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THE LIFE
OF
THOMAS MUIR, ESQ. ADVOCATE,

YOUNGER OF HUNTERSHILL, NEAR GLASGOW,

ONE OF THE CELEBRATED REFORMERS OF 1792-93,

WHO WAS

1872
TRIED FOR SEDITION

BEFORE THE

HIGH COURT OF JUSTICIARY IN SCOTLAND,

AND SENTENCED TO

TRANSPORTATION FOR FOURTEEN YEARS.

WITH

A FULL REPORT OF HIS TRIAL.

BY

PETER MACKENZIE.

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GLASGOW: MUIR, GOWANS, & CO. ARGYLL STREET;
AND WM. TAIT, EDINBURGH.

1837.

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LIFE OF THOMAS MUIR, ESQ.

MR. THOMAS MUIR, Advocate, younger of Huntershill, was born in the High-street of Glasgow, on the 24th of August, 1765. His parents were of humble, but respectable station. They first kept a small shop in that street, from which, and by their own frugal conduct, they realized a considerable deal of money, and purchased the estate and mansion-house of Huntershill, in the parish of Cadder, a few miles to the north of the city. They seem to have resolved to give this, their only son, a superior education; for we find they first placed him under the able tuition of the late Mr. Daniel M'Arthur, one of the masters of the Grammar School; and on the 10th Oct. 1775, when little more than ten years of age, he was entered as a student in the University of Glasgow. After being some years at college, a quarrel arose among some of the Professors themselves, in consequence of the principles then maintained by one of their number, viz. the late Mr. John Anderson, Professor of Natural Philosophy. That excellent and eminent man, to whom the citizens of Glasgow, and the friends of science throughout the world, are so much indebted for the noble institution bearing his name, which at his own expense he afterwards founded,* was suspended or expelled from his office as a member of the *Jurisdictio Ordinaria*, by the majority of his colleagues, the Professors of those days, because his liberal principles were too far in advance for them, and because he ventured to suggest some salutary reform about the college itself. This conduct of the Professors against Mr. Anderson, attracted the keen and immediate attention of the students. From his transcendent abilities, engaging manners, and venerable age, they were all warmly and devotedly attached to him. Unawed by the other Professors, they assembled in hundreds in the college gardens. Young Muir became their leader. He harangued them, in eloquent and impassioned terms, in favour of Mr. Anderson—in favour of the principles and line of conduct he had espoused, and resolutions to that effect were unanimously adopted by the students. At that period the Right Hon. Edmund Burke was Lord Rector of the University. A copy of the resolutions was transmitted to that celebrated man by young Muir, with a request that he would exert his high

* The Andersonian Institution, Glasgow, was, by the munificent gift of Professor John Anderson, originally founded in the year 1796; and is now probably one of the best establishments in Europe for acquiring a knowledge of the arts and sciences.

influence in getting Mr. Anderson restored to the privilege pertaining to his situation, of which he had been deprived, as already stated, by the other Professors. But Mr. Burke either treated this application with indifference, or out of delicacy to the majority of the Professors, declined to interfere. Irritated at this treatment, or reception of their resolutions, the students, still led by Thomas Muir, determined to teach Mr. Burke himself, that high as he was, and at that period he enjoyed the repute of being, without exception, the most powerful man in Parliament, he was nevertheless amenable to them for his conduct as their representative, in the situation of Lord Rector, to which he had been elected by their free suffrages; and keeping this true *representative* principle in view, for which, it will be seen, Thomas Muir afterwards struggled and died, the students resolved no longer to support Mr. Burke, but to eject him from the office of Lord Rector at the next annual election.— They accordingly looked out for a Rector who, while he adopted the principles of their favourite Professor, Mr. Anderson, would, they hoped, at the sametime more faithfully respond to those aspirations in favour of civil and religious liberty which were then deeply cherished by them. They had the good fortune to find him, in the person of the late Robert Graham, Esq. of Gartmore, a genuine Whig, and one of the first commoners in Scotland. He sat in Parliament for the county of Stirling, and was one of the personal friends of the illustrious Charles James Fox. Accordingly, in the session of 1785, the students of the University of Glasgow triumphantly elected Mr. Graham as their Lord Rector, in the place of Mr. Burke. Gratified at this result: admiring the noble spirit then manifested by the students, and to encourage them to pursue an emulous and patriotic course for the future, their new Lord Rector mortgaged a handsome sum of money with the Professors, and enjoined them, by his recorded deed in the college books, “to lay out the interest of it, in all time coming, to purchase a gold medal, of the value of at least five pounds sterling, to be presented annually to the student who should write the best discourse on Political Liberty.” So anxious does Lord Rector Graham appear to have been about it, that he directed that the gold medal should have engraved upon it the figure of Liberty presenting a wreath of laurel, with this motto: “*Libertate extincta nulla virtus;*” but for the last twenty years we cannot say that the honourable Professors have faithfully bestowed this prize in the way Mr. Graham intended. It is, however, worthy of remark, that from the year 1785 down almost to the present date, the students of the University of Glasgow have taken care, with few exceptions, to prefer as their Lord Rector the most distinguished Advocates in the land, known for their devotion to the cause of liberty. We need only mention in this short but splendid array

the living names of the Marquis of Lansdown, Francis Jeffrey, Lord Brougham, Henry Cockburn, and Thomas Campbell.

Probably party feeling was never carried to such a height in the College of Glasgow as at the period we have been speaking about. Mortified at the election of Mr. Graham, which was a complete triumph to Mr. Anderson, the majority of Professors determined to wreak their vengeance on some of the students who had made themselves conspicuous in it. More recently, an attempt was insidiously made to strip the students altogether of the right of voting for the Rector, and to confine it to the Professors themselves; but the attempt was properly and successfully resisted. Thomas Muir was the student, above all others, that the Professors singled out for punishment. The young, but bold and manly front he exhibited in favour of Professor Anderson—the artless and impassioned eloquence he displayed in support of his principles, captivated the students, by whom he was beloved, but made him the more obnoxious to the other Professors, against whom he had written some smart political squibs, which incensed them to such a degree that they met in Faculty Hall, and gravely resolved to expel Thomas Muir, and some others the most active of his companions, from the University, unless they went on bended knee, humbly apologised for their conduct, and promised to conduct themselves more submissively to the Professors in time to come. This resolution was received by Muir with a degree of firmness eminently characteristic of the future patriot. His companions became alarmed. The fear that their expulsion from the college would naturally distress their relatives, and possibly injure their own future prospects in life, induced them to become quiescent. But Muir stood out. He saw that this was an attempt not merely to punish him at the moment, but to crush the free and honest expression of public opinion on the part of the students ever afterwards. Not choosing to become the slave of “passive obedience,” which all his subsequent actions contemned, nor yet willing to surrender his own judgment merely to gratify the wounded dignity, or rather the offended pride, of the Professors, he refused to make the apology required from him, and left the college. This step completely altered his future course in life—whether fortunately or unfortunately for himself, remains to be seen; because, such was the rectitude of his conduct, and the amiable disposition of his mind, that for the two preceding sessions he had attended the Divinity Hall, with the view of becoming a Clergyman of the Church of Scotland; whereas now, from the position in which he was placed by the Professors, he saw that it was impossible for him, or any one else of his principles, to obtain the approbation, or receive the necessary license, of the Presbytery of Glasgow. He therefore abandoned all further thoughts of the Church, and determined

to try his fortune at the Bar, where no impediments, at that time, appeared to await him. In this resolution he was warmly encouraged by his venerable friend, Professor Anderson, and also by the then Professor of Civil Law in Glasgow College, viz. John Millar, Esq. who was one of the ablest jurists that this country ever produced. His splendid writings are now admired by every lover of liberty throughout Europe. These distinguished men appreciated the talents of Thomas Muir, and predicted his speedy success at the Scottish Bar. Nor were they mistaken. For no sooner was he admitted a member of the Faculty of Advocates, at Edinburgh, in 1787, being then only twenty-two years of age, than his fame at Glasgow College, and the unflinching part he there acted, combined with the deep learning he was known to have acquired as a lawyer, readily conduced to secure for him a practice at once lucrative and respectable. He soon came to enjoy the personal friendship and esteem of some of the greatest luminaries that ever adorned the Courts of Justice in Scotland, viz. the Hon. Henry Erskine, afterwards Lord Advocate; John Clerk, afterwards Lord Eldin; Malcom Laing, the eminent historian; David Cathcart, afterwards Lord Alloway, &c. &c. He was advancing, like them, to the head of his profession, and in all probability would have attained it, if political animosity, or deadly hatred, in the highest quarters of the realm, had not marked him out for personal and speedy destruction.

It is necessary to take a short glance now of the state of political parties then in existence. The Right Hon. William Pitt had dazzled the House of Commons and the country, by his eloquence and talents. So early as the year 1780, his great contemporary, Mr. Burke, introduced a Bill for a Reform in the Representation of the People in the House of Commons. On its second reading, it was warmly supported by Mr. Pitt, but defeated by a majority of 233 over 190. Again, in the year 1783, Mr. Pitt himself introduced a similar Bill for a Reform of the Representation, but it was rejected by a majority of 293 over 149. The principles which he then professed were of the most liberal and sweeping description. He was, in fact, along with the then Duke of Richmond, an advocate for universal suffrage and annual Parliaments. For in one of his speeches he declared "that the restoration of the House of Commons to freedom and independency, by the interposition of the collective body of the nation, was essentially necessary to our existence as a free people;—that an equal representation of the people, in the great council of the nation, by annual elections, and the universal right of suffrage, appeared to him so reasonable to the natural feelings of mankind, that no sophistry could elude the force of the arguments which were urged in their favour; that they were rights of so transcendent a nature, that in opposition to the claim

of the people to their enjoyment, the longest period of prescription could be pleaded in vain. They were (said he) substantially enjoyed in the times of the immortal Alfred—they were cherished by the wisest princes of the Norman line—they formed the grand palladium of this nation—they ought not to be esteemed the grant of royal favour—nor were they at first extorted by violence, from the hand of power. They are the birthright of Englishmen—their best inheritance, which, without the complicated crimes of treason to their country, and injustice to their posterity, could not be alienated or resigned.—They formed (said he) that triple cord of strength, which alone can be relied on, to hold, in times of tempest, the vessel of the state." It is scarcely possible to believe that the man who deliberately uttered such sentiments, would afterwards become the greatest enemy to the cause of national reform and freedom. Such, however, is the fact. For when Mr. Pitt was soon afterwards raised to the post of Prime Minister of England, by George the Third, he coolly turned his back on his own recorded principles, and directed the thunders of the state, which he now wielded with almost uncontrolled sway, against those who, probably from respect to himself, had adopted the principles he had thus given forth to the world, in all the charms of the rising statesman, whose political integrity none at the time suspected; but also against those, by far the greater number, who cherished the early principles of Pitt from an inherent, but no less honest, conviction of their truth and justice. An instance of greater apostacy, of more flagrant political baseness and treachery, than this, on the part of the Right Hon. William Pitt, never occurred in the whole history of England. It illustrates the well known satirical lines,

"When the devil was out, the devil a Reformer would be:
When the devil was in, the devil a Reformer was he."

All the good and virtuous men, however, in the land, denounced Pitt's apostacy. None but the Tories, the sycophants of power and the disciples of corruption, applauded and supported him. He had now in his own hands the entire patronage of the empire; the absolute power of conferring title, place, and pension, on whomsoever, and to whatsoever extent, he thought fit. For his royal master, George III. was then bordering on a state of insanity, and, till the day of his death, never once checked him in his career; while the majority of the House of Commons, perceiving that the gates of that House, through Pitt's instrumentality, were locked against Reform, became obedient to his wishes, and honoured his commands in all things. It is impossible for us, in this short sketch, to analyse some of the other glaring parts of Mr. Pitt's conduct in those days; nor is it necessary to do so, because the history of the country, the actual state of parties at the present day, too clearly show how,

and to what extent, the vast and unlimited patronage of William Pitt was disposed of, to maintain himself in power, and to entrench himself securely against the liberties of mankind. But although he had thus glaringly deserted the cause of Reform, it was too momentous a cause even then to be lost sight of by others who were equally great, though not equally powerful with him, in the Senate. To the honour of the Whigs, they took it up with redoubled and most patriotic zeal. Under the immediate auspices of the then Francis Duke of Bedford, of Charles James Fox, of Charles Grey, now the venerable Earl Grey, of Sir William Jones, of Sheridan, and of Whitbread, who were then the distinguished leaders of the Whig party, public meetings were held in London, and a Society was there established, called "the Society of the Friends of the People, for the purpose of obtaining a full, fair, and free representation of the People in Parliament." Besides this Society, which was composed chiefly of the higher classes, another one, of more extensive ramification, but with the same end in view, was formed about the same period in London, mainly through the exertions of those humble, but immortal Reformers, Thomas Hardy, John Horne Tooke, and Major Cartwright. This last-mentioned society, was also established, as its title imports, for the purpose of corresponding with and encouraging the friends of Reform in all parts of the nation. Happily there was no division, no jealousy, no lukewarm attachment between the Whigs and the Radicals of those days. They were bound together, as it were, in one common bond of political brotherhood. Had it not been so, there is little doubt that Pitt and his hordes of Tory minions could easily have vanquished both of them, and there is also some reason to fear whether the cause of Reform would have been triumphant for centuries to come. The history, indeed, of almost every nation in the world shows that it is chiefly by their own internal quarrels or divisions that the friends of liberty lay themselves open to the combined and formidable assaults of their common enemy, who otherwise could have little chance of success against them—an observation which, though trite enough to some, ought well to be pondered over by many at the present day, and we shall make no apology for making it in this place.

But while the best and bravest and most virtuous men in England asserted the demand of Reform, and matured their patriotic plans for obtaining it, Scotland, in her station, was not behind them. No single man in the entire length and breadth of this land did more for this noble cause than Thomas Muir. He sacrificed his profession, and rising prospects at the Bar, which, as already said, were lucrative and honourable, in order that he might devote the whole energies of his mind to rescue his country from the political thralldom doomed to it by Pitt. He fre-

quently repaired to London, and held consultations with the chosen advocates of liberty in that place, among whom might be numbered the late Sir James M'Intosh, then entering on the path of that honourable fame which he acquired, and whose personal esteem for Muir was often expressed in the warmest terms. But it was at Edinburgh—in the metropolis of his native country, where his bold and masterly talents were principally developed in furtherance of that cause which he had so much and so sincerely at heart. In conjunction with his friends, Mr. William Skirving of Strathruddie (afterwards banished for fourteen years), Capt. William Johnston, Robert Forsyth, Advocate,* Colonel Dalrymple of Fordel, Mr. William Moffat, Dr. John Allan, and others his compatriots, he originated that famous Society of Reformers in Edinburgh, afterwards called the British Convention of Delegates—the object of which will now be relieved from all misapprehension, and best understood, by publishing the following original Resolution, prepared by Muir:—

"EDINBURGH, 12th Dec. 1792.

"At a General Convention of the Friends of the People, held this day,

"Colonel Dalrymple in the Chair,

"RESOLVED, That it appears to this Convention, that very great abuses have arisen in the government of this country, from a neglect of the genuine principles of the constitution. That these abuses have of late grown to an alarming height, and produced great discontent.

"RESOLVED, That the essential measures to be pursued to remove these abuses, and effectually to do away their mischievous consequences are,

"1st, To restore the Freedom of Election, and an equal Representation of the People in Parliament.

"2d, To secure to the People a frequent exercise of their right of electing their representatives.

"RESOLVED, That for the purpose of accomplishing these constitutional objects, the proper and legal method is that of applying by petition to Parliament.

"RESOLVED, That since a speedy and complete redress of our present grievances will most effectually be obtained by the joint co-operation of every Briton who yet retains the spirit and wish to be free, this Convention will, as far as their principles and objects allow them, co-operate with the Society of the Friends of the People in London."

These Resolutions were faithfully followed out in spirit and in deed, by Thomas Muir. He never went beyond, nor did he stop short at any point within them. True it is, that he allowed no limits to the fervour of his eloquence in stigmatising, often and again, the government of Pitt, which he detested; and as little did he spare that eloquence in lashing its subordinate tools, the paid and pampered enemies of all reform. Yet, practically speaking, he uniformly adhered to the true principles of the British Constitution. In farther proof of this, we refer to the following original Minutes and Resolutions, now in our possession, of the *first* meeting of Reformers ever held in Glasgow, during the administration of Mr. Pitt. This meeting in Glasgow, to which we are about to refer, originated with Thomas Muir, which proves how active he was, and entitles him to the proud distinction of being the first individual that gave life and energy to the

* Now a glaring apostate! (i. e. Robert Forsyth.)

cause of Reform in this his native city, which then contained, comparatively speaking, only a small number of choice spirits like himself, but which now will yield to no other city in the empire in the proud and public display of patriotism, or in the liberality and independence of its citizens.

"GLASGOW, 3d October, 1792.

"A number of Gentlemen, consisting of inhabitants of this city, and of several who reside in the adjoining country, having previously communicated their sentiments to each other upon the present state of the nation, agreed to form a Society: and having this day met in the Star Inn, they constituted themselves into a permanent Society, under the name of

"*The Associated Friends of the Constitution and of the People.*"

"Lieutenant-Colonel Dalrymple of Fordel was elected President;

"Thomas Muir, Esq. younger of Huntershill, Advocate, Vice-President;

"George Crawford, writer in Glasgow, Secretary.

"The following Resolutions were then agreed to:—

"RESOLVED, To co-operate with the Association of the Friends of the People in London, in all proper measures to accomplish an equal Representation of the People in Parliament.

"RESOLVED, To enter into every legal and constitutional measure to obtain a shorter duration of Parliamentary delegation.

"RESOLVED, That none shall be admitted Members of this Society who do not subscribe their concurrence to the two preceding Resolutions.

"RESOLVED, that these Resolutions, forming the primary objects of our Association, be printed in the Scotch and English newspapers.

"Wm. DALRYMPLE, Chairman."

"*Plan of the Internal Government of the Society of the Friends of the Constitution and of the People.*"

"The two leading objects of this Society are, first, to procure an equal Representation of the People in Parliament, and a shorter duration of Parliamentary delegation. Secondly, to diffuse useful political information.

"In prosecution of these two important objects, a common contribution is requisite for defraying the expense of applications to Parliament, of advertisements, of printing cheap editions of good books, and of the various unforeseen contingencies which may occur.

"The Friends of the People are the Friends of the Poor.

"Upon subscribing our resolutions, each person shall pay sixpence sterling.

"He shall also pay threepence quarterly.

"The Secretary, every six months, shall lay before the Society a state of the receipt and expenditure.

"There shall be Committees appointed in different districts for the purpose of admitting Members.

"There shall be a General Committee of Direction, which shall sit once a-week for the purpose of managing the affairs of the Society, and for receiving and inrolling the reports of the different Committees.

"In proportion to the increase of the number of the Members of this Society, and in relation to their local situation, it shall be in the power of this Society to form them into separate Societies.

"These affiliated Societies shall in every respect be considered as branches of this one.

"They shall act upon the same principles.

"They shall have the same regulations.

"They shall monthly transmit a written report of their number and proceedings to the Secretary.

"Whenever this Society shall call a General Convention, these Societies shall send Delegates, in proportion to their number.

"No person shall be admitted a Member of this, or of our affiliated Societies, whose character cannot be vouched by at least one of the Committee to which he applies.

"Every Member of this, or of our affiliated Societies, shall subscribe the following declaration:—

"**DECLARATION.**—I shall be faithful to the British Constitution, as exhibited in our statutes, and in the books of our law, consisting of a King, House of Lords, and House of Commons. Constitutionally I shall exert my utmost effort to procure a full, fair, and equal representation of the people in Parliament, and a shorter duration of Parliamentary delegation. I shall discountenance, and endeavour to suppress all sedition, riots, or disorder, which bad men may attempt to excite, under the pretence of Reform, and which others as bad may encourage in the view of preventing it. In applying to Parliament I shall know no other rule than that of the Constitution; and I shall endeavour to prevent any person from being admitted, or to remain a Member of our Society, whose objects and designs may be unconstitutional."

These proceedings, and the respectful, calm, and able way they were ushered forth to the public, attracted great and almost universal attention. But it was to the proceedings of the Convention at Edinburgh, the head-quarters of the Scottish Reformers of 1792, that all eyes were now most eagerly directed. It truly assumed an aspect as striking as it was unprecedented. Scotland, like the majority of her then forty-five representatives in the House of Commons, had previously been slumbering in a state of political apathy, or, what is worse, had slavishly succumbed, as was too long the case, to the minister of the day, in all his projects, however bad, without the whisper of one solitary remonstrance, much less the indignant and well-merited frown of an independent nation. Go back, for instance, to the first American War, the embers of which were then still blazing, and let any one now say, whether the obsequious conduct of Scotland, in relation to that great political event, which involved the fate of worlds, was at all creditable to the land which can boast of its Robert Bruce and Sir William Wallace.

But the tone and spirit of the Convention at Edinburgh save us from all farther reproach. Had it done nothing but to destroy, as it assuredly did, that almost criminal apathy and slavish submission to which we have alluded, we should say that its conduct, for that reason alone, independent of every other, ought to be held in everlasting and grateful remembrance by the sons of Caledonia. But it infused, at the sametime, into the very hearts of the entire population, the seeds of that political knowledge, of which, till then, they had rarely, if ever, partaken, but the fruits of which we now reap, as posterity will likewise do to a greater, need we add a more beneficial extent! In short, the conduct of the early Reformers of 1792,—among whom, it may be said, without exaggeration, that Thomas Muir was the brightest star—undoubtedly prepared the way for the national regeneration of these kingdoms. If, as is said, the blood of martyrs be the seed of the church, so also may it be said, that the life, the blood, too, of these patriots was the seed of Reform. The fame of their name resounded through the land so enthusiastically, that almost every town and village in Scotland sent deputations to Edinburgh to watch their proceedings, and hail their success. Never did any Association conduct itself with so much regularity and decorum. The highest in rank joined it. Lord

Daer, son of the Earl of Selkirk, so much lauded in the immortal verse of Robert Burns, accounted it his highest honour to preside at its deliberations. But nothing, we apprehend, can equal the following eloquent Tribute to the Convention at Edinburgh, from the pen of the celebrated Dr. Wm. Drenan, and the Reformers of Ireland, transmitted to Thomas Muir through the hands of Mr. Hamilton Rowan, whose high character will afterwards be noticed.

"To the British Convention of Reformers, at Edinburgh.

"BROTHER REFORMERS!—We take the liberty of addressing you in the spirit of civic union, in the fellowship of a just and a common cause. We greatly rejoice that the spirit of freedom moves over the face of Scotland—that light seems to break from the chaos of her internal government; and that a country so respectable in her attainments in science, in arts, and in arms; for men of literary eminence; for the intelligence and morality of her people, now acts from a conviction of the union between virtue, letters, and liberty; and now rises to distinction, not by a calm, contented, secret wish for a Reform in Parliament, but by openly, actively, and urgently willing it, with the unity and energy of an embodied nation."

Mr. Pitt and his Tory Cabinet now became greatly alarmed at these patriotic manifestations of public opinion in England, Ireland, and Scotland. But, fortunately for him, whether for the nations of Europe, we shall not here stop to say, the French Revolution, which had then recently broken out, made such gigantic strides as enabled him to divert the current of Reform from its apparently clear and resistless course, and subsequently to dam it up, by ruling this nation with a rod of iron for a quarter of a century.

It is obvious that the first Revolution in France naturally created a deep and extraordinary sensation in this country.—Violent storms and political contentions arose in consequence of it. But a mind cultivated and sanguine like Muir's, could not behold with indifference the dawning and progress of that great event. The blow then aimed at priestcraft—the abolition of hereditary offices and honours—the recognition, by a great people, of the first principles of freedom, and just government—the obstacles which opposed it—and the numerous advantages which it promised to the world, and to posterity, all conspired to interest in its behalf the intelligent of all nations, not the least of whom was Thomas Muir.

In the virulence of party-spirit which then raged, and in applauding, as he did without disguise, the best principles of that Revolution, he was accused of being little short than a traitor to his own country. How far that charge was merited—how far his feelings or his judgment led him to go in relation to it, may now calmly be seen by a reference to the following singular and interesting document, being a proposed Address to the French nation, written by Mr. Margarot, then Chairman of the London Corresponding Society, and transmitted to Mr. Muir for his approbation and approval, which he cordially gave, as millions now, we are persuaded, would give likewise.

"FRENCHMEN!—While foreign robbers are ravaging your territories under the specious pretext of justice, cruelty and desolation leading on their van, perfidy with treachery bringing up the rear, yet mercy and friendship impudently held forth to the world as the sole motives of their incursions, the oppressed part of mankind, forgetting for a while their own sufferings, feel only for yours, and with an anxious eye watch the event, fervently supplicating the Almighty Ruler of the universe to be favourable to your cause, so intimately blended with their own. Frowned upon by an oppressive system of control, whose gradual, but continued encroachments have deprived this nation of nearly all its boasted liberty, and brought us almost to that abject state of slavery from which you have so emerged, five thousand British citizens, indignant, manfully step forth to rescue their country from the opprobrium brought upon it by the supine conduct of those in power; they conceive it to be the duty of Britons to countenance and assist, to the utmost of their power, the champions of human happiness, and to swear to a nation proceeding on the plan you have adopted, an inviolable friendship. Sacred then from this day be that friendship between us, and may vengeance to the uttermost overtake the man who, hereafter, shall attempt to cause a rupture.

"Though we appear so few at present, be assured, Frenchmen, that our number increases daily. It is true, that the stern uplifted arm of authority at present keeps back the timid; that busily circulated impostures hourly mislead the credulous; and that court intimacy with avowed French traitors has some effect on the unwary and on the ambitious; but with certainty we can inform you, Friends and Freemen, that information makes a rapid progress among us; curiosity has taken possession of the public mind; the conjoint reign of ignorance and despotism passes away; men now ask each other what is freedom, what are our rights? Frenchmen, you are already free, and Britons are preparing to become so. Casting far from us the criminal prejudices artfully inculcated by evil-minded men and wily courtiers, we, instead of natural enemies, at length discover in Frenchmen our fellow citizens of the world, and our brethren by the same heavenly Father, who created us for the purpose of loving, and mutually assisting each other, but not to hate, and to be ever ready to cut each other's throats at the command of weak and ambitious kings and corrupt ministers:—seeking our real enemies, we find them in our bosoms, we feel ourselves inwardly torn by, and ever the victims of a restless and all-consuming aristocracy, hitherto the bane of every nation under the sun. Wisely have you acted in expelling it from France.

"Warm as our wishes are for your success, eager as we are to behold Freedom triumphant, and man everywhere restored to the enjoyment of his just rights, a sense of our duty, as orderly citizens, forbids our flying in arms to your assistance; our government has pledged the national faith to remain neutral—in a struggle of liberty against despotism, Britons remain neutral! O shame! But we have entrusted our King with discretionary powers, we therefore must obey,—our hands are bound, but our hearts are free, and they are with you.

"Let German despots act as they please, we shall rejoice at their fall, compassionating, however, their enslaved subjects. We hope this tyranny of their masters will prove the means of re-instating, in the full enjoyment of their rights and liberties, millions of our fellow-creatures.

"With unconcern, therefore, we view the Elector of Hanover join his troops to traitors and robbers; but the King of Great Britain will do well to remember that this country is not Hanover—should he forget this distinction, we will not.

"While you enjoy the envied glory of being the unaided defenders of freedom, we fondly anticipate in idea, the numerous blessings mankind will enjoy. If you succeed, as we fondly wish, the triple alliance (not of crowns, but) of the people of America, France, and Britain, will give freedom to Europe, and peace to the whole world. Dear Friends, you combat for the advantage of the human race. How well purchased will it be, though at the expense of much blood, the glorious unprecedented privilege of saying, mankind is free—tyranny and tyranny are no more—peace reigns on the earth, and this is the work of Frenchmen."

But the eloquent and generous sentiments in the above Address were fully surpassed by another, which emanated about the same time from a different quarter, and which Thomas Muir delighted to transcribe with his own hand. We publish both

of these documents to the end, that the most secret and equivocal actions of the Reformers of 1792 may now be laid open, and their memory rescued from the foul and withering imputation then fastened upon them by the worshippers of Pitt.

" To the French Nation.

" BROTHERS, AND FELLOW-CITIZENS OF THE WORLD!—The cordial and affectionate reception with which you have honoured our worthy countrymen Mr. Thomas Cooper and Mr. James Watt, members of the society of Manchester, and united with our society, has been communicated to us, by the correspondence of those gentlemen.

" In offering you our congratulations on the glorious Revolution which your nation has accomplished, we speak a language which only sincerity can dictate.

" The formality of courts affords no example to us. To do our thoughts justice, we give to the heart the liberty it delights in, and hail you as brothers.

" It is not among the least of the Revolutions which time is unfolding to an astonished world, that two nations, nursed by some wretched craft in reciprocal hatred, should so suddenly break their common odious chain, and rush into amity.

" The principle that can produce such an effect, is the offspring of no earthly court; and whilst it exhibits to us the expensive iniquity of former politics, it enables us, with bold felicity, to say, We have done with them!

" In contemplating the political condition of nations, we cannot conceive a more diabolical system of government, than that which has hitherto been generally practised over the world: to feed the avarice and gratify the wickedness of ambition, the fraternity of the human race has been destroyed; as if the several nations of the earth had been created by rival gods. Man has not considered man as the work of one Creator.

" The political institutions under which he has lived have been counter to whatever religion he professed.

" Instead of that universal benevolence which the morality of every known religion declares, he has been politically bred to consider his species as his natural enemy, and to describe virtues and vices by a geographical chart.

" The principles we now declare are not peculiar to the society that addresses you; they are extending themselves with accumulating force, through every part of our country, and derive strength from an union of causes, which no other principles admit.

" The religious friend of man, of every denomination, records them as his own; they animate the lover of rational liberty; and they cherish the heart of the poor, now bending under an oppression of taxes, by a prospect of relief.

" We have against us only that same enemy which is the enemy of justice in all countries—a herd of courtiers, fattening on the spoil of the public.

" It would have given an additional triumph to our congratulations, if the equal rights of man (which are the foundation of your declaration of rights) had been recognised by the governments around you, and tranquilly established in all. But if despotisms be still reserved, to exhibit, by conspiracy and combination, a further example of infamy to future ages, that Power that disposes of events best knows the means of making that example finally beneficial to his creatures.

" We have beheld your peaceable principles insulted by despotic ignorance: we have seen the right hand of fellowship, which you hold out to the world, rejected by those who riot on its plunder: we now behold you a nation provoked into defence; and we can see no mode of defence equal to that of establishing the general freedom of Europe.

" In this best of causes we wish you success. Our hearts go with you; and in saying this, we believe we utter the voice of millions."

In opposition, however, to these outpourings in favour of Continental freedom, Pitt and his Cabinet seem to have resorted to the patrician policy of ancient Rome, for they headlong plunged this country into a war with France, which now engrossed the public attention, and armed Pitt with a vast accession of influence and military power. Under the direct auspices of his ministry,

the principles of the French Revolution were industriously and shamefully misrepresented, in order to fix odium on, and ruin the friends of Reform in this country, who, it was said, intended to imitate the "bloody example" of the French. These friends of Reform were called a set of traitors—pillagers—and cut-throats. Not a word in the vocabulary was black enough for them. They did not receive credit for one single good intention, no not one. Sermons were preached up and down the country (for the Clergy, almost to a man, were then at the beck of Pitt,) in favour of passive obedience to rulers, *alias* the Divine right of Kings: and because the Reformers could not swallow that doctrine, they were called "*Demagogues*." The very word "*Equality*," which had been adopted by the French to signify an equality of political rights and privileges, was gravely explained by our clergy to mean an equality of *property*. Hence the Reformers were called "*levellers*." The revolutionary excesses in France, which every honest Reformer sincerely lamented, were quaintly ascribed to the evil genius of "a democratical system of government." Neither should it be forgotten that Mr. BURKE, who had so recently exerted his great talents in the House of Commons, in favour of Reform, now wheeled in favour of his rival, Mr. Pitt, to the astonishment of the whole nation. Not content with declaiming against the Revolution in France, he now uttered the most violent philippics against the Friends of Reform and Freedom, in the three kingdoms. He it was who first stigmatized them as a "swinish multitude," and who heaped other insulting names upon them, which, by less able hands, were continued down till the days of Sidmouth, Castlereagh, & Co. But for so acting the part of the turncoat and renegade, Mr. Pitt settled on Mr. Burke and his progeny, then in needy circumstances, the handsome and permanent pension of £4000 per annum. By such auxiliaries, and by many other artifices, the Ministry of Pitt now contrived to deceive the country, and blazoned forth that the friends of Reform were the deadly enemies of the Constitution.

The alarm thus sounded, and too generally believed, was dexterously improved by the Ministry. They played so well on the excited fears and feelings of the nation, that they thought they might more safely try their hand and make a few STATE experiments on the persons and feelings of the Reformers. They accordingly singled out some of the most active of these Reformers, against whom the artillery of the law was ordered to be directed with all its fury. Down came the Right Honourable Robert Dundas, the Lord Advocate of the day, from London. He set the machinery of the High Court of Justiciary in order;—and a better Advocate for a State prosecution could not be found. Not a single Reformer that came through his hands had the most distant chance of escape.

Thomas Muir was the first Reformer laid hold of in Scotland. On the 2d day of January, 1793, he was seized in his own house at Edinburgh, and taken by the officers of the law to the Sheriff of that county for examination on a warrant obtained by the Lord Advocate, charging him with the crime of Sedition. It will be seen from a copy of his examination, or declaration, as it is called, printed in the Appendix, that he declined to answer some of the inquisitorial questions put to him by the Sheriff, "as he considers a declaration of this kind, obtained in these circumstances, to be utterly inconsistent with the constitutional rights of a British subject: that he has solemnly maintained this principle in pleading for others in a criminal court, and that when it comes to be applied to his own particular case, as at present, he will not deviate from it." But he "declares that he neither composed, published, nor circulated, books or pamphlets, inflammatory or seditious; that in public and private, he always advised, and earnestly entreated those who might be engaged in the prosecution of a constitutional reform, in the representation of the people in the House of Commons, to adopt measures mild but firm, moderate but constitutional; and that he has always inculcated upon all whom he may have addressed upon any occasion, that there was no other mode of accomplishing a constitutional reform, in the representation of the people in the House of Commons, but by the mode of respectful and constitutional petitions to that House, for that purpose; and that he did not doubt but the wisdom of that House would listen to the voice of the people, when thus constitutionally presented." Notwithstanding of this declaration, a warrant was immediately written out, on the back of it, "to Imprison the said Thomas Muir in the Tolbooth of Edinburgh, therein to be detained till liberated in due course of law." This warrant, however, was superseded by his finding caution, as he immediately did, to the satisfaction of the Sheriff, that he would appear and answer the charges made against him, at any time when required to do so.

The news of his apprehension fled rapidly through the city and the country at large. But strange to say, the most tame and cowardly feeling was now manifested in his behalf, illustrating the truth of the proverb, that the man who devotes himself most faithfully to the service of the public, meets generally with the most base and ungrateful reward. With shame we state, giving credit, however, for a few rare and honourable exceptions, that the majority of his friends, those, we mean, who professed to be Reformers like himself, now affected to be wondrous wise on the other side of politics. They knit their brows, gave a most significant shake of the head, and uttered, for the first time, this servile and common-place expression, that really Mr. Muir had gone too far for them!—"Poor lad," the cowards

said, "it was a pity of him, he had such talents, but he was rash in exerting them so much against the Government." In fact, this debasing feeling was now found to be the surest passport to the favour and patronage of the Government, especially on the part of those who became loudest in their denunciations of the Friends of the People, then insultingly called by the name of "*black-nebs*," just as the Tories at a more recent period, and that not long ago, conceived they could insult or turn into derision our modern Reformers by calling them *Radicals*,—a name, however, that is now getting into pretty general and good repute, nay, it is gloried in by millions. But the lofty and independent spirit of Muir enabled him to treat his enemies and hollow-hearted friends with scorn and contempt.

"His was a firm and uncorrupted soul,
Amid a sliding age."

Here let one extraordinary fact be noted, little known, we presume, to the Reformers of this generation, but it discloses, more forcibly than we can possibly describe, the arbitrary and tyrannical disposition of the Tory minions of those days towards every one who even presumed, however honestly, to differ from them in opinion. We allude to the case of that immortal man, already named in these pages, viz. ROBERT BURNS, whose sublime genius is entwined in the fame of his country; yet, to his country's disgrace, he was suffered to pine and to die in the miserable situation of Excise Officer. For expressing himself in some of his glorious moments in favour of Freedom and Reform, he was rudely and insolently cashiered by those placed above him in office, but immeasurably beneath him in every other respect. Burns himself has left the following imperishable record of the treatment he suffered from these Tory menials; for in a letter written by him to Mr. Erskine of Mar, dated 13th April, 1793, he thus describes it: "Indeed, but for the exertions of Mr. Graham of Fintry, who has ever been my warm and generous friend, I had (says he), without so much as a hearing, or the slightest previous intimation, been turned adrift with my helpless family to all the horrors of want." And in the same letter, he adds, that the Board of Excise had issued peremptory orders to him that "his business was to act, *not to think*; and that whatever men or measures might be, it was *for him to be silent and obedient*." Such tyranny—and to such a man!

Prior to the seizure of Mr. Muir, in the way already stated, he had formed the resolution of proceeding to London, and from thence to Paris, to witness for his own personal edification the political movements, then so exciting in both places. His seizure and subsequent liberation on bail did not deter him from adopting that course; on the contrary, he seems to have become more desirous to shun, for a season at least, the *hauteur*, which, for the first time, he now met with in Edinburgh. He accord-

ingly repaired to London, and after spending a few days, chiefly in the society of his friend, Sir James McIntosh, who was cognisant of all his movements (vide letter in Appendix), he journeyed to Paris, and arrived in that city on the 27th of January, 1793, being the day preceding the execution of Louis XVI. King of France, an event which he regretted, not that the fate of Louis, who had repeatedly broken faith with his subjects, was undeserved, but because the discerning eye of Muir foresaw that the other Kings and Potentates of the earth would now combine together, as they actually did, to crush the farther advance of rational Reform and freedom. Strange! that this first Revolution in France almost annihilated the demand of Reform in England, and gave stability and strength to a Tory Administration; whereas the subsequent Revolution of July, 1830, resuscitated that demand, and drove a Tory Administration, at the head of which was the Duke of Wellington, the Conqueror of Napoleon, from power!

No sooner was it known to the Tory officials that Thomas Muir had left Edinburgh, than they industriously propagated the report, that he had *absconded* from justice and from trial. They even offered a reward for his apprehension. And learning that he was now in Paris, enjoying the esteem of the most distinguished advocates of liberty in that capital, such as La Fayette, Condorcet, Barray, and others, names that are revered throughout Europe to this day, the Tory officials, including the Lord Advocate himself, had the effrontery to assert that he had gone thither on some treasonable mission from the Friends of the People in Scotland. Whether it was prudent in Mr. Muir to have left Scotland for a single day at that period or not, we shall not presume to say; but that he *absconded* from it, or went to Paris on any such mission, was, as we are able to prove, utterly false. First, because at one of the last meetings of Reformers in Edinburgh, which he attended, he publicly announced his intention of going to France, as any other British subject had a right to do. Secondly, because Mr. Skirving, who acted from first to last as Secretary of the Society of the Friends of the People, solemnly asserted that Thomas Muir never carried any such mission, or any mission whatever, from them, and the Lord Advocate was not able to produce one tittle of evidence to the contrary. And thirdly, because before he left Edinburgh, Mr. Muir had specially instructed his friend and agent, Mr. James Campbell, a highly respectable writer to the signet, and latterly an eminent solicitor in London, to write to him the moment that any steps were taken against him by the officers of the Crown, in order that he might return home to meet them. This, in fact, is proved beyond all doubt by the following letter, written by him soon after his arrival in Paris to his agent, Mr. Campbell.

"I wrote you from Calais, and impatiently expect your answer.

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Write me fully about my private affairs, but about nothing else. Whenever you and my friends judge it expedient or proper, I will immediately return; but I cannot leave Paris without regret. I am honoured by the notice and friendship of an amiable and distinguished circle; and to a friend of humanity it affords much consolation to find according feelings in a foreign land." Shortly afterwards he again writes Mr. Campbell in these terms. "Whenever you think it proper, I shall return. At the same time, honoured as I am by the civilities and attention of many amiable characters, it would be with reluctance I could quit Paris for a month or two." Taking, however, advantage of his absence, as we admit they were legally entitled to do, the Crown lawyers, per Lord Advocate Dundas, raised an indictment against Muir, charging him with the crime of Sedition, and this indictment, which was executed against him at his house in Edinburgh, and also at his father's house at Huntershill, required him to appear and stand his trial before the Lord Justice General, Lord Justice Clerk, and Lord Commissioners of Justiciary, at Edinburgh, on the 11th of February, 1793. The instant it was so executed, his father and his agent wrote him anxious letters to Paris to return; but they saw it was almost impossible for him to do so between and the limited time allowed for his trial. On the 7th of the same month, Sir James M'Intosh thus wrote from London to his agent in Edinburgh:—

"I have to acknowledge the receipt of your letter respecting the business of Mr. Muir. I did not lose a moment in finding a safe and speedy conveyance to him at Paris for your letters and those of his other friends in Scotland, sent to my care. I delayed from day to day in the perpetual expectation of seeing Mr. Muir here on his return. It becomes now, however, necessary for me to inform you, that he is not yet come; and considering the extreme anxiety which he must have felt to return as soon as possible, I think it very probable that this delay ought to be ascribed to the embargo laid on the vessels in the ports of France, which may perhaps have rendered it impossible for him, though even at Calais, to make his passage to England. I think this probability at least sufficiently great to be pleaded for a delay of his trial, and it is to enable you and his friends to make any use of it that you may think fit that I have now thought it necessary to communicate this state of facts to you.

"I am, yours, &c. "JAMES M'INTOSH."

On receiving the above letters and communication from Scotland, Mr. Muir, still at Paris, wrote and transmitted hither the following address:—

"To the Friends of the People in Scotland.

"Upon the evening of the 8th of this month I received letters from my father, and from my agent, Mr. Campbell, informing me that an indictment was served against me in my absence, and that the trial was fixed for Monday the 11th instant. The distance, and the shortness of the time, could not permit me to reach Edinburgh by that day. War is declared between England and France, and the formalities requisite to be gone through before I could procure my passport would at least have consumed three days. I will return to Scotland without delay. To shrink from dangers would be unbecoming my own character, and your confidence. I dare challenge the most minute investigation of my public and private conduct. Armed with innocence, I appeal to justice; and I disdain to supplicate favours. I have hastened to

give you an account of my intention, and I am happy that a private gentleman, who leaves Paris to-morrow, affords me an opportunity for the communication.

"THOMAS MUIR."

"Paris, 13th February, 1793."

This address, though communicated personally to the Lord Advocate, and published besides in the Morning Chronicle, and other newspapers of the day, did not induce his Lordship to grant any indulgence to Mr. Muir by waiting for his return. For on the 25th of February, 1793, the Lord Advocate insisted on obtaining a sentence of fugitation or outlawry against him, which was then without hesitation pronounced by the High Court of Justiciary; and within a few days thereafter, viz. on the 6th of March, 1793, notwithstanding the boasted independence of the Scotch Bar, this sentence of outlawry, pronounced, be it observed, at a time when it was utterly impossible for him to appear to obviate it, however anxious, it is seen, he was to do so, was made the pretext of adding this other indignity to him—that of erasing his name from the Faculty of Advocates—no one in that body coming forward even so much as to protest against the unhallowed act. But, like other changes equally astonishing, there have since been Advocates at the bar with talents not so bright, and political principles not so pure, who, on the sunny side of politics, have risen to high official stations, forgetting that such a man as Thomas Muir existed among them, or callous to the undeniable fact that he led the glorious forlorn hope of 1793 with courage and ability never surpassed, and from which, perchance, they have derived their own security and independence. It was not till the 29th of April, 1793, that, on the recommendation of the Council General of France, he obtained his passport to leave Paris. The flames of war were then blazing over Europe. There were only two ways by which he could return home—the first by Hamburgh, the second by the longer, but more certain, circuit of America. The latter course appeared to him more safe and less liable to interruption. He therefore adopted it—left Paris—and arrived at Havre de Grace, where he found a vessel bound for New York, in which he secured and paid for his passage. This vessel, however, was detained nearly three months completing her cargo, and also by an embargo then laid on all neutral vessels in the ports of France. In the interval, another American vessel, the *Hope* of Baltimore, arrived, and as she was to touch at *Belfast* for a part of her cargo before returning to America, this appeared to Mr. Muir to be a fortunate circumstance, and he immediately adopted the plan of returning to Scotland by the way of Ireland—not to supplicate favour—not to implore protection; but, as he emphatically stated, *to demand justice*. On the 17th of July the *Hope* arrived at *Belfast* with Thomas Muir on board. The Captain of that vessel (Mr. George Towers), at Muir's request, immediately wrote to his

father at Glasgow; and the answer of the good old patriarch to Captain Towers, which was afterwards seized with Muir's papers, shews the guarded caution, and at the same time the unsophisticated filial affection, which actuated him towards his patriot son.

"To Captain George Towers, of the American ship, the Hope, of Baltimore, at Belfast."

"Glasgow, 21st July, 1793."

"DEAR SIR,—I am at a very great loss how to answer your letter, as it's not understood by me; if it's the friend that I have, if it's he, I would be overjoyed to see his hand-writing, and to know what has become of him these three months. I thought he had been at Philadelphia ere now, where letters are forwarded to him. Once he were there, he'll get letters to General Washington; and there are many letters wrote for him to the first people of America. I hope, dear Sir, you'll shew him every civility in your power, which I hope some day gratefully to thank you for. The loss of this young man has been a dreadful affliction to us. Please give our friend this letter. I honoured his draft in favour of Mr. Massey. I hope in a year or two he can return, if he doth not love America; and be so good as cause him to write me one line in your letter."

Perhaps it would have been fortunate for Thomas Muir, if he had proceeded to America, as his father evidently wished him to do, perceiving that he had now very little chance of obtaining justice in this country, so inveterate were the Tories in the full swing of their official power against every person of liberal principles. But Thomas Muir, true to his first resolve, determined to meet them at all hazards. From Dublin he wrote to his agent, to apprise the Crown Lawyers that he had arrived there, and would appear in Edinburgh to wipe out the sentence of outlawry in a few days. On this intelligence the Lord Advocate had the unspeakable baseness to employ spies at Portpatrick, and all the other out-ports between Scotland and Ireland, to watch Muir, and to seize him the instant he arrived. They did so; for scarcely had he stepped ashore from the ferry-boat at Portpatrick, in all the consciousness of innocence, not anticipating any rude or even any welcome salute; and ere he had a moment's time for silently congratulating himself that he had at last reached his own dear native land, than he was barbarously seized, with every thing belonging to him, and hurried off like a felon to the nearest jail at Stranraer. Instantly a dispatch was forwarded to the Crown Lawyers at Edinburgh, conveying to them the glad tidings. The Lord Advocate rejoiced that he had now his victim securely in his clutches; but to make assurance doubly sure, his Lordship presented himself, in breathless haste, at the bar of the High Court of Justiciary, and moved their Lordships for a warrant to transmit Muir from the prison of Stranraer to the prison of Edinburgh—a warrant which they of course at once granted; and his Lordship put it into the hands of his trusty officer, Mr. George Williamson, Messenger at Arms, with special instructions.—But let us take Williamson's own account of it:—"George Williamson, Messenger in Edinburgh, declares, that on Friday the 2d of August instant, he received a warrant of the Court of Justiciary, for bringing the per-

son of Mr. Thomas Muir, younger of Huntershill, from the prison of Stranraer, to the prison of Edinburgh, in consequence of which he went to Stranraer, and arrived there in the morning of Sunday the 4th instant, when he received the person of the said Thomas Muir, and he also received from Mr. Kerr, one of the Magistrates of Stranraer, a parcel sealed and intitled, Papers belonging, and found on Mr. Thomas Muir, and which packet was sealed with the seal of the burgh of Stranraer, and also with two seals, which he now hears Mr. Muir declare to be his." Thus Thomas Muir, handcuffed like a felon, was taken from the prison of Stranraer for transmission to the prison of Edinburgh, on Sunday, the 4th of August, 1793, which shews the tender mercies of the Tories towards him, and proves, at the sametime, that the sanctity of the Sabbath, which they pretend to observe with peculiar care, did not interrupt them in their persecuting course in this instance. But it will add to the deep and indignant feeling which this line of conduct could not fail to have occasioned to Thomas Muir, when we explain that he had early imbibed habits of unaffected devotion or piety, insomuch that he was constituted an Elder of the Church of Scotland, the duties of which he discharged on many Sacramental occasions in the parish of Cadder. At this point, we think we cannot do better than re-publish, from the former edition of his Life and Trial, the following correspondence between him and the Rev. Mr. William Dun, because it completely destroys the obloquy most falsely endeavoured to be fastened upon him by the Tories, that being a Reformer, he was also an infidel :—

" Kirkintilloch, June 5th, 1792.

" MY DEAR SIR,—The unanimous wish of the Session of Cadder, and I am desired to say, the prevailing wish of the people of Cadder, is, to have the Sacrament of the Lord's Supper dispensed among them this season ;—of this they have desired me to inform you, hoping it will meet with your approbation. The Presbytery of Glasgow is to be advised of it on Wednesday first, and requested to appoint a day for the purpose, and the fourth Sabbath of July has been thought of by some. As an ordinance of our holy religion, it is surely proper—in other respects it may do good, and can do no harm.

" To have your approbation of this design before the meeting of Presbytery, would be agreeable to the Elders, and also to him who has the pleasure to be,

" DEAR SIR,

" With respect,

" Your most humble Servant,

" WM. DUN.

" To THOS. MUIR, Esq. Advocate."

" To this letter Mr. Muir returned the following answer, worthy of the consideration of some of the Established Clergy of the present day :—

" Edinburgh, 11th June, 1792.

" DEAR SIR,—The proposed celebration of the Sacrament of the Lord's Supper, in the parish of Cadder, is a measure to which I cordially give my highest approbation. Whatever *political* opinion may be entertained by different parties, in this instance, I should consider their interference as a crime of the deepest guilt. I therefore hope,

that upon all sides there will be universal unanimity. No exertion upon my part shall be wanting, to render every thing convenient for the Ministers who may attend.

"You are, however, sensible that from the various alterations which have lately occurred, much of the utility of the measure will depend upon a prudent choice of these Ministers. I could wish that gentlemen, obnoxious to no party, should be invited, whose public ministrations will not be associated in the minds of the people with prior political conduct—whom they will regard solely as the Ministers of religion, and not as the partizans of any particular party. Upon this subject I beg your advice. I value the interests of religion, and I consider this to be to them of the highest moment.

"Returning you my sincere thanks for your attention to the parish, in a matter of such superior importance, I remain,

"DEAR SIR,

"Yours most respectfully,

"THOMAS MUIR.

"Rev. Mr. DUN."

These letters should put to silence and to shame the Tory calumniators of Thomas Muir, on the score of his religious principles. Immediately after he was dragged to Edinburgh as a prisoner in the manner we have shewn, a fresh indictment was executed against him at the instance of the Lord Advocate, accusing him of the complicated crimes of SEDITION,—in other words, of being an able and eloquent advocate in the great cause of Parliamentary Reform. This indictment, printed in the Appendix, to which we refer, now speaks most significantly for itself.—Every action of his life is falsely and infamously perverted in it against him. His peaceful and meritorious conduct as a rational Reformer, agreeably to the genuine principles of the British Constitution, is therein stigmatized as "wicked and felonious." The foul lie is imputed to him, that being "conscious of your guilt in the premises, you, the said Thomas Muir, did, in order to evade punishment, abscond and leave the kingdom." And the other foul and equally malignant lie is also therein imputed to him, namely, "that you, the said Thomas Muir, having lately, in a *private* and *clandestine* manner, come into this country by way of Ireland, was discovered and apprehended." If, in the face of the undeniable facts we have already stated, a Lord Advocate of Scotland could be found to colour or to tinge his accusation against his political opponent with such glaring and reprehensible falsehoods, for the purpose (it could only be) of exciting a groundless prejudice against the accused; we may be prepared to expect, nay, there is undoubted evidence to believe, that the whole superstructure of the case afterwards reared up against him on that indictment, was false and contaminated at its very core. Yes, the atrocious iniquity of the subsequent proceedings against Thomas Muir keep pace with those early indications of Tory falsehood, and Tory vengeance, against him. They are, we boldly but confidently say, without parallel: and the knowledge of them now about to be imparted, perhaps for the first time to the junior Reformers of this age, cannot but excite as-

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tonishment, with mingled feelings of indignation and sorrow. His trial was appointed to take place before the High Court of Justiciary at Edinburgh, on the 30th of August, 1793. It raised, from its novelty and importance, the most intense anxiety over the whole kingdom. Muir resolved to conduct his own defence, the concise nature of which, as reduced by him to writing, and lodged, according to the rules of Court, prior to the trial, is as follows:—

“ This criminal libel against me is false and injurious. So far from exciting the people to riot and insurrection, it can easily be proved, by a numerous list of witnesses, that upon every occasion, the pannel exhorted them to pursue measures moderate—legal—peaceable—and constitutional.

“ The charge of distributing seditious publications, and of advising the people to read them, is equally false and calumnious.

“ The pannel admits that on the great national question, concerning an equal Representation of the People in the House of Commons, he exerted every effort to procure in that House, a full, fair, and equal Representation of the People, as he considered it to be a measure (and still does) the most salutary for the interests of his country.

“ But the pannel offers to prove, that, as he considered the information of the people to be the chief thing requisite to accomplish this great object, he uniformly advised them to read every publication, upon either side, which the important question of Parliamentary Reform had occasioned.

(Signed)

“ THOMAS MUIR.”

The Crown Lawyers now strained every nerve, and resorted to every artifice to run him down. First, as to his Jury.—The mode of electing Jurymen in those days was very different from what happily it is now. Then the Clerk of Justiciary (appointed by the Crown) had nothing to do but to hand to the Judge, after the latter had taken his seat on the Bench, a list of the names and designations of not fewer than forty-five individuals already summoned to attend in Court; and it remained with the Judge to select—the usual significant expression was to *pick out* from among that list any fifteen individuals he thought proper to act as Jurymen on the particular trial, who did not require to be unanimous in their opinion, since the law of Scotland, different from England in this respect, leaves the majority of the Jury, however narrow it may be, to rule the verdict *pro* or *con*. Hence the Judge had frequently an intimate knowledge of the gentlemen of the Jury beforehand.—He knew their vocation, and not improbably their political opinions. Accordingly, in this very case the startling fact has now to be stated, that the *majority* of the Jury selected by the Lord Justice Clerk to try Thomas Muir were the intimate and personal friends of that Judge himself; but what is worse, every one of the *majority* thus selected held offices or situations of one kind or another under the government; the whole Jury, with one exception, were well-known Tories: they were life-and-fortune men of Pitt: they had previously subscribed an Address denouncing the Association of the Friends of the

People, of which Muir, as already stated, was the most distinguished leader. He therefore protested against these Jurymen: but in vain. One of them, viz. Captain John Inglis of Auchindinny—to his honour be it spoken—felt the force of the objection to him, for he voluntarily rose and stated, “that being in his Majesty’s service, he did not wish to be on this Jury, as he thought it unfair, in a case of this nature, to try Mr. Muir by servants of the Crown.” But the Lord Justice Clerk told Captain Inglis that he *must* serve: that there was no impropriety in his doing so, although in the service of the government. After the fifteen Jurymen had now been all seated, the Justice Clerk demanded to know if the pannel had any farther objection to them. He arose, and after repeating his objection, then calmly but manfully concluded it thus—

“My Lords, Accused this day of Sedition,—of an attempt to overthrow the Constitution, shall those men be my Jurymen, who have not merely accused me, but likewise judged and condemned me, without knowing me,—without hearing me in my vindication? My Lords, this trial is no trivial matter. It affects me; but it affects the country more. The noise of it will pass down to other times, and posterity may fancy their most valuable rights connected with its consequences. My Lords, to suppose my objection not well-founded, would be to insult the common sense and feelings of mankind. My Lords, I demand Justice.—Let me be tried fairly,—not by a Jury of the Association of Goldsmiths’ Hall,—not by a Jury of the Association of the Friends of the People, but by men unconnected with either, and whose minds are not warped with prejudices. I, therefore, solemnly protest that no person, who is a member of the Association in Goldsmiths’ Hall, can sit as a Jurymen on my trial.”

LORD JUSTICE CLERK.—“I can see nothing in the objection, and am clear for repelling it.”

The objection was accordingly unanimously repelled by the Court. But when the Jury were about to be sworn, Mr. Muir again rose and stated “that he believed them to be men of truth and integrity, but he could not help recalling to their attention the peculiarity of their situation. They had already determined his fate, and as they valued their own reputation and eternal peace, he entreated —”

“Here (from the report of the Trial) Mr. Muir was rudely interrupted by the Judges, who concurred in opinion that his conduct was extremely improper in taking up their time, as the objection had already been repelled.”

That there may be no mistake about the Jury, we here again publish their names:—1st, Gilbert Innes of Stow, *Foreman*, Deputy Lieutenant of the county of Edinburgh, &c. &c.; 2d, Sir James Fowles of Collington—on the Pension list; 3d, Captain John Inglis of Auchindinning, on the pay of the army; 4th, John Wauchope of Edmonstone, Commissioner of Property Tax, Edinburgh; 5th, Andrew Wauchope of Niddry Marichall, another of said Commissioners; 6th, John Trotter of Mortenhall, one of Lord Melville’s protogees; 7th, James Rothead of Inverleith, another Commissioner of Property Tax, Edinburgh; 8th, John Alves of Dalkeith; 9th, William Dal-

rymple, Merchant, Edinburgh; 10th, Donald Smith, Banker there, Deputy Lieutenant, Edinburgh; 11th, James Dickson, Bookseller there; 12th, George Kinnear, Banker there; 13th, Andrew Forbes, Merchant there; 14th, John Horner, Merchant there; 15th, John Balfour of Pilrig, *Clerk of the Jury*.—It is now too obvious, we humbly think, that these gentlemen were, to all intents and purposes, *a packed Jury*. But, *secondly*, the conduct of the presiding Judge himself was liable to more serious objection.—For on the subsequent trial of Muir's compatriots, Joseph Gerrald and Maurice Margarot, before the same Court, the following extraordinary facts transpired, sufficient to cover that Judge with the infamy of a Jeffries.—Mr. Gerrald thus stated the facts:—

"My Lords,—I feel myself under the painful necessity of objecting to the Lord Justice Clerk sitting upon that bench, upon this plea, that his Lordship has deviated from the strict line of his duty, in prejudging that cause in which my fortune and my fame, which is more precious to me than life, is actually concerned. And in order to show that this objection is not made at random, I offer to prove that the Lord Justice Clerk has prejudged the cause of every person who had been a member of that Assembly calling itself the *British Convention*: inasmuch as he asserted, in the house of James Rochcad of Inverleith, 'that the members of the British Convention deserved transportation for fourteen years, and even public whipping';—and that when it was objected, by a person present in company, that the people would not patiently endure the inflicting of that punishment upon the members of the British Convention, the Lord Justice Clerk replied, that the mob would be the better for the spilling of a little blood. I pray that this may be made a minute of the Court. I desire to have the matters alleged, substantiated by evidence."

Lord ESKGROVE.—"My Lords, this objection which comes before your Lordships is a novelty in many respects; and I don't think this pannel, at this bar, is well advised in making it: what could be his motive for it I cannot perceive. He has the happiness of being tried before one of the ablest Judges that ever sat in this Court; but he is to do as he thinks fit. I am sure he can obtain no benefit if he gains the end he has in view; and therefore I cannot perceive his motive, unless it is an inclination, as far as he can, to throw an indignity upon this Court." After some farther remarks, his Lordship concluded by saying, "that he could ascribe the objection to nothing but malevolence and desperation."

Mr. GERRALD.—"My Lord, I come here not to be the object of personal abuse, but to meet the justice of my country."

Lord HENDERLAND.—"I desire you will behave as becomes a man before this High Court. I will not suffer this Court to be insulted."

Mr. GERRALD.—"My Lord, Far be it from me to insult this Court."

Lord HENDERLAND.—"Be silent, sir."

Mr. GERRALD.—"My Lord—"

Lord HENDERLAND.—"I desire you will be silent, sir!"

Lord SWINTON.—"My Lords, An objection of this kind, coming from any other man, I should consider as a very high insult upon the dignity of this Court; but coming from him standing in the peculiar situation in which he now stands at the bar, charged with a crime of little less than treason, the insolence of his objection is swallowed up in the atrocity of his crime. It appears to me that there is not the smallest relevancy in this objection."

Lord DUNSINNAN.—"I think your Lordships ought to pay no attention to it, either in one shape or another."

The objection was unanimously smothered!

But the infamy of these proceedings is not yet fully developed. If the reader will only pause for a moment he will remember that James Rochcad of Inverleith, in whose house the Lord Justice

Clerk indulged in this austere and bloody language, was one of the identical Jurymen that his Lordship *selected* for Thomas Muir's trial! In such hands innocence itself might well weep, and justice tremble. But while the Court and the Jury were thus arrayed against Thomas Muir, the Crown agents in their sphere were not deficient in procuring a well-trained band of *Witnesses* to swear in his condemnation. In this brief space it is impossible for us to scan all the evidence brought to bear against him; and therefore we implicitly leave it to the judgment of the intelligent reader. But there were two prominent witnesses against Muir, neither of whom ought to be overlooked, because the information regarding them, which we have now to publish, will strip the whole evidence of any value that might appear otherwise to attach to it, and demonstrate, at the same time, the wretched villainy here employed against him. The *first* witness we refer to, and she was undoubtedly the principal one against him, is Anne Fisher, who was a discarded servant in the house of his father. Little did Thomas Muir know the true character of this woman at the period of her examination. Little did he previously suspect that any servant in his father's house would place his liberty and his life in peril. She was brought forward by the Lord Advocate with great pomp to disclose to the Court and the Jury, not any overt act of sedition in public places, but the alleged private and domestic conversations between Mr. Muir and his parents on occasions when they could not by any possibility imagine they were harbouring a woman, who, receiving wages, and other acts of kindness at their hands on her implied fidelity as their servant, would, nevertheless, exhibit herself afterwards as the well-tutored spy upon them, and try to make their quiet and happy home the scene of sedition and of crime. Here we might pause, to ask whether it be not a stain on jurisprudence, or a libel upon law itself, to say, that the private and domestic conversations of a family in moments when their hearts any more than their minds, knew no guile, should be afterwards paraded against them, no matter by whom, and magnified against them, no matter by whom either, as proofs of *sedition* against the established Government of the realm? No wonder that Thomas Muir, after the examination of this witness was concluded by the Lord Advocate, and it was remarked at the time, that she gave her evidence against him with great flippancy,—no wonder that on being asked by the Court, whether he had any questions to put to her, he emphatically exclaimed, "No, my Lords, I disdain to put any questions to such a witness."

The report of the trial, to which we again refer, bears, that "the witness, on her part, turned round, and asked the Court if she might put a question to Mr. Muir?" The Lord Justice Clerk said he could not permit this, but his Lord-

ship characterized Mr. Muir's recent expressions as very improper.

His Lordship, at the same time, complimented Anne Fisher by saying, that "he had never heard a more distinct and accurate witness in his life."

Lord Henderland declared, that if Mr. Muir had not been standing at the bar, as a pannel, he would have ordered him to prison for the expressions he had just used!

Pity, for her own sake, that, when the supreme Judges of the land evinced such a tender regard for her, and ascribed to her such a high character, she did not afterwards sustain it in reality. For what is the fact? We have discovered that at the period of her examination, and for sometime previous, she was secured as a servant in the house of the late Mr. John Carlisle, *Collector of Taxes, in Glasgow*: and it is not too uncharitable to suppose that the discipline she received there would meet with its reward, since, we fancy, a Collector of Taxes depends for present support, as he anticipates future promotion, mainly from his zeal or the importance of his services to the executive government. Be that as it may, we can narrate the subsequent history of Anne Fisher in one line. She became a common prostitute, and died the most wretched of deaths. Her compeer in zeal against Thomas Muir, was no other than the late Rev. Mr. James Lapslie, of Campsie, a clever man, but a deep and designing knave. When he had scarcely a sixpence to rub upon another he was assisted by Muir's parents, whom he had known from his infancy. And after Muir himself had gone to the bar, and was rising to eminence, this reverend person not only kept up a correspondence with him, but used frequently to sojourn under the hospitable roof of his parents, and to pour into their ears sweet words of praise about their darling son. He thus acquired their unbounded confidence. He applauded the political tenets of Mr. Muir. Nay, he was himself a Reformer—or rather he pretended to be so, for he actually recommended some of the very books charged in the indictment against Muir as being seditious. But the moment the ministers of the Crown denounced Mr. Muir, that moment this minister of religion turned upon him like a serpent. His own sting would have been powerless, because, for aught that appeared, Mr. Muir had never uttered one syllable in his presence of a criminal or seditious nature; but, in order to supply that deficiency, he did not scruple to fish for evidence against him in every quarter where he thought he would be successful. He attended the initiatory examination of some of the witnesses for the Crown before the Sheriff, and "coaxed them to speak out."—

And they,

"On the winking of authority,
Did understand a law."

But so great was the zeal of this reverend person for the prosecution, that when the trial itself drew nigh, he left his parish, and voluntarily journeyed to Edinburgh, a distance of fifty miles, and, without being subpoenaed, he actually attempted to plant himself in the witnesses' box, as an evidence for the Crown, in regard to facts which must now rest with his own eternal peace. These things are not exaggerated. They were proved on the trial; and other facts still more disgraceful to Lapslie were about to be unfolded by Muir, on the examination of a third party, when the Lord Advocate, to avoid the exposure, which would have made his chief evidence liable to contamination and perjury, prudently stepped forward and withdrew the Rev. James Lapslie. But for acting the part of the clerical politician or spy, the worst of all characters in social life, this Rev. Father got his family placed on the Pension List of Scotland, where some of them remained till lately, when they died off.

Having thus briefly adverted to the character of the witnesses—to the Judges—and to the Jury on this trial, we intend merely to refer to the Appendix, for the splendid speech which Thomas Muir subsequently made in his own defence.—Every line of it is pregnant with truth.—Every passage of it teems with eloquence. He plainly saw that his Judges and his Jury were steeled against him, and he therefore addressed himself to *Posterity* :—

"Gentlemen of the Jury, This is perhaps the last time that I shall address my country. I have explored the tenor of my past life. Nothing shall tear from me the record of my former days. The enemies of Reform have scrutinized, in a manner hitherto unexampled in Scotland, every action I have performed—every word I have uttered.—of crimes most foul and horrible have I been accused.—of attempting to rear the standard of civil war—to plunge this land in blood—and to cover it with desolation. At every step as the evidence of the Crown advanced, my innocence has brightened. So far from inflaming the minds of men to sedition and to outrage, all the creditable witnesses have concurred in saying that my only anxiety was to impress upon them the necessity of peace, good order, and good morals. What, then, has been my crime? Not the lending to a near relative a copy of Mr. Paine's works—not the giving away to another a few numbers of an innocent and constitutional publication—but my crime is *for having dared to be, according to the measure of my feeble abilities, a strenuous and active advocate for an equal Representation of the People in the House of the People.*—for having dared to accomplish a measure, by legal means, which was to diminish the weight of their taxes, and to put an end to the profusion of their blood. Gentlemen, from my infancy to this moment, I have devoted myself to the cause of the People. *IT IS A GOOD CAUSE—IT SHALL ULTIMATELY PREVAIL—IT SHALL FINALLY TRIUMPH.* Say, then, openly, in your verdict, if you do condemn me, which, I presume, you will not—that it is for my attachment to this cause alone—and not for those vain and wretched pretexts stated in the Indictment, intended only to colour and disguise the real motives of my accusation.

"Gentlemen, the time *will* come, when men must stand or fall by their actions—when all human pageantry shall cease—when the hearts of all shall be laid open. If you regard your most important interests—if you wish that your conscience should whisper to you words of consolation, or speak to you in the terrible language of remorse, weigh well the verdict you are to pronounce. As for me, I am careless and indifferent to my fate. I can look danger, and I can look death in the face, for I am shielded by the consciousness of my own rectitude—I may be condemned to languish

in the recesses of a dungeon—I may be doomed to ascend the scaffold. Nothing can deprive me of the recollection of the past,—nothing can destroy my inward peace of mind, arising from the remembrance of having discharged my duty."

When he sat down, after uttering these beautiful and prophetic words, with great solemnity and animation, just as the midnight clock of St. Giles' in the precincts of the Court had tolled in their ears, we are told, by an eye-witness, that the most solemn silence reigned for a few moments, when at last the crowded but enraptured audience rose from their seats as one man, and gave him three distinct rounds of applause. At this the Justice Clerk swelled with rage, and commanded the macer to seize the first person he saw doing so; but the macer himself was wrapt in astonishment, and exclaimed, "My Lord, I cannot do it—they are *all* cheering Mr. Muir."

At two o'clock in the morning, the Trial, say rather the *Inquisition*, having lasted seventeen hours, the Jury without hesitation returned a verdict, unanimously finding him "*Guilty of the crimes libelled.*" For this they were specially complimented by the Justice Clerk, who declared, that "the Court highly approved of the verdict they had given." And now the Patriot Muir was ordered to be remanded to the tolbooth of Edinburgh to be placed at the Bar on the following day to receive sentence. Most manfully did he acquit himself on the occasion.

"A Roman, with a Roman's heart, can suffer,"

For when he was again brought from his cell, and heard the savage observations addressed to him by the Justiciary Judges, some of whom, with crocodile tears, pointed to *public whipping* as part of his punishment, but all of whom concurred in fixing that it should, at least, be transportation beyond seas for fourteen years: and after the Lord Justice Clerk, in pronouncing that sentence, took occasion to avow, to the disgrace of the judgment-seat, that "the indecent applause which was given to the pannel last night convinced him that a spirit of discontent still lurked in the minds of the people, which circumstances (his Lordship said) had no little weight with him, when considering the punishment Mr. Muir deserved." After making such observations, and recording such sentence;—after, in short, they had now done all that they could do against Muir, he finally addressed them in these prophetic and memorable words:

"My Lords, I have only a few words to say. I shall not animadvert upon the severity or the leniency of my sentence. Were I to be led this moment from the bar to the scaffold, I should feel the same calmness and serenity which I now do. My mind tells me that I have acted agreeably to my conscience, and that I have engaged in a Good, a Just, and a Glorious Cause,—a cause which, sooner or later, must and will prevail, and by timely Reform, save this country from destruction!"

The result of this Trial spread consternation and dismay among all ranks of Reformers. Mr. Hamilton Rowan, one of the best and earliest Reformers of Ireland, hastened over to Edinburgh in company with his friend, the Honourable Col-

onel Butler, to challenge the Lord Advocate Dundas, who was then the Lyndhurst of the day, for some gross and insulting expressions in his speech against Muir touching the Irish Reformers. But the Lord Advocate declined the challenge, shielding himself in his official robes, although Mr. Hamilton Rowan was his superior in every respect as regarded high birth and splendid fortune; and Mr. Rowan therefore posted him over the empire as guilty of falsehood and cowardice. Meanwhile Thomas Muir had languished in Edinburgh tolbooth, pent up in it like a felon for nearly three months. The exquisite Tory *torture* still preparing for him was not yet completed. We cannot trust ourselves to describe it: but the following authentic extracts from the papers published at that period relieve us so far from the painful necessity. The first extract we give is from the Scots Magazine, vol. 4th, p. 617, thus:

" Edinburgh, Nov. 15, 1793.

" About eleven o'clock, forenoon, Mr. Thomas Muir, younger of Huntershill, was taken from Edinburgh Tolbooth, and conveyed to Newhaven in a coach, where he was sent on board the Royal George, Excise Yacht, Captain Ogilvie, lying in Leith Roads, for London. There were sent along with him, John Grant, who was convicted of forgery at Inverness; John Stirling, for robbing Nellfield house; — Bearhope, for stealing watches; and James M'Kay, lately condemned to death for street robbery, but who afterwards obtained a respite during his Majesty's pleasure. Mr. Palmer was also sent to London, in the same vessel, and on their arrival they were put on board the *Hulks* at Woolwich."

But if the above statement be affecting enough, as it surely is, the friends of *Humanity* may well shudder at the following one, extracted from the Annual Register of 1793, p. 47:—

" London, Dec. 1, 1793.

" Mr. Thomas Muir, and the Rev. T. F. Palmer,* arrived in the River, from Leith, on board a revenue cutter. Orders were sent down for delivering them to Duncan Campbell, the contractor for the Hulks at Woolwich, the former in the Prudentia, and the latter in the Stanislaus. They were in IRONS among the convicts, and were ordered yesterday to assist them, in the common labour on the banks of the River. Mr. Muir is associated with about 300 convicts, among whom he and Mr. Palmer slept after their arrival."

Not inapplicable to him did the most chaste and eloquent of English Poets exclaim:—

" That man should thus encroach on fellow-man,
Abridge him of his just and native rights,
Eradicate him,—tear him from his hold
Upon the endearments of domestic life
And social, nip his fruitfulness and use,
And doom him for perhaps a heedless word,
To barrenness,—and solitude—and tears,
Moves indignation—makes the name of power
As dreadful as the Manichean God—
Adored through fear—strong only to destroy."—*Cowper*.

But it is consolatory to know, that the most distinguished advocates of freedom then in the Senate, generously came forward and exerted themselves to alleviate the melancholy condition of

* Tried also, and convicted of sedition.

Muir, if not to avert his cruel fate altogether. The Right Honourable William Adam, now the venerable Lord Chief Commissioner of the Jury Court, undertook to bring his case under the consideration of the House of Commons; while the late Earl of Stanhope did the same in the House of Lords. In a communication with which we were lately honoured, from Mr. William Moffat of Edinburgh, now one of the oldest, and among the last of the surviving personal friends of Muir, (and he too was persecuted to no small extent for his attachment to the cause,) he states, "In consequence of some correspondence with Mr. Grey (now Earl Grey), Lord Lauderdale, and the late Sir James McIntosh, I was informed of their intention to submit a motion to Parliament on the subject of these Trials, early in January 1794, which induced me, at the earnest request of my friend Muir, to repair to London, where I arrived on 25th Dec. 1793. On the day following, I paid my first visit to Mr. Muir, on board the *Prudentia* Hulk at Woolwich, where I was most agreeably surprised at finding Lord Lauderdale, his brother, Major, afterwards Lieutenant-General, Sir Thomas Maitland, and Charles Grey, Esq. now our venerable Premier! all seated in the Cabin of the Hulk, in conference with Muir, by whom I was specially introduced. At this interview I was invited by the noble Lord and Gentlemen, to call for them in London without ceremony, and give them all the information within my reach, preparatory to the discussion of the motion regarding the Trials in Parliament." But we must not omit to notice, that when Mr. Adam first gave notice of his motion, in the House of Commons, the illustrious Charles James Fox started up in his place, and declared that the sentence of Messrs. Muir and Palmer was illegal and abhorrent to the principles of justice. On the same occasion, Mr. Sheridan used these strong expressions:—"No man, in this House, would dare to vindicate such a sentence, which if applied to a similar offence in England, would not be carried into execution. It would be enough to raise the people of England in arms. If (said he), his Majesty's Ministers attempted to make the law of Scotland the law of England, (but they dared not,) they would find it a sufficient crime to forfeit their heads. You charge us," said Mr. Sheridan, looking to the Treasury benches, "with making a party question of this, when we ought to have applied to the fountain of mercy. I know what mercy was shewn before any question was made on this subject. I speak with some information; I have seen those unfortunate victims—I have visited them in those loathsome hulks, where they were confined among common felons, not indeed with irons upon them, but with irons recently taken off, separated from each other, deprived of the comfort of conversing, and that on a pretence that there was danger of sedition in this society—as if, forsooth, two impris-

ed men could create an insurrection.—I saw the gentlemen, and I boast of it; for whatever may be the feeling of some, I shall always be proud to countenance whomsoever I conceive to be suffering under oppression."

On the 10th of March, 1794, Mr. Adam brought forward his motion in behalf of Thomas Muir, in a long and able speech. "Feeling," said he, "for the honour of the country, for the purity of criminal jurisprudence, for the safety of the British Constitution, he had thought it fit to bring before the House a proceeding which had wounded and tortured the feelings of considerate men. I say that substantial justice has not been done to this gentleman; and if we have either the feelings or the hearts of men, we will not depart the House this night without an address to the Throne for mercy."

Mr. Fox seconded the motion, and at the close of the debate declared that the whole of the proceedings on this trial were disgusting and monstrous to every lover of justice and humanity.

CHARLES GREY, Esq. likewise energetically supported the motion.

But it was resisted by the Lord Advocate, and by Mr. Pitt, and negatived by a large majority—only 32 voting in favour of, and 171 against it. The motion of Earl Stanhope in the Lords met with a worse reception, as it only found *one* single supporter to 49 against it. But that noble Lord recorded his protest against the "monstrous decision" on the Journals of that House, where it remains to this day.

Seeing that there was now no hope left for him, in *this* country, the then small but brave and united band of Reformers of England, connected with the London Corresponding Society, headed by Thomas Hardy,—the humble but well-known veteran, whose life too was placed in peril by Pitt and his Attorney-General, Eldon, on a trumpety charge of High Treason (there seems to have been a general crusade against the friends of freedom in those days) but thanks to the eloquence of Erskine, and more to the integrity of an English Jury, he was triumphantly rescued from their fangs by a verdict of Not Guilty: a verdict that is now incorporated with the history of England, and which probably saved England at that time from a deluge of blood, in her own peaceful territory;—seeing such a terrible and now apparently irretrievable fate awaiting him, those admirable Reformers, acting in concert with the *elite* of the Whig party, presented to Thomas Muir the following address, composed, we believe, by one of the greatest masters of the English language, himself a true Patriot, viz. the famous John Horne Tooke.

"To THOMAS MUIR, Esq. Advocate.

"We behold in you, our beloved and respected friend and fellow-citizen, a martyr to the glorious cause of Equal Representation, and we cannot permit you to leave this degraded country, without expressing the infinite obligations the people at large,

and we in particular, owe to you, for your very spirited exertions in that cause upon every occasion; but upon none more conspicuously than during the sitting of the BRITISH CONVENTION of the PEOPLE at Edinburgh, and the consequent proceeding (we will not call it trial) at the bar of the Court of Justiciary.

"We know not what most deserves our admiration, the splendid talents with which you are so eminently distinguished, the exalted virtues by which they have been directed, the perseverance and undaunted firmness which you so nobly displayed in resisting the wrongs of your insulted and oppressed country, or, your present manly and philosophical suffering under an arbitrary, and, till of late, unprecedented sentence—a sentence, one of the most vindictive and cruel that has been pronounced since the days of that most infamous and ever-to-be-detested Court of Star Chamber, the enormous tyranny of which cost the first Charles his head.

"To you and to your associates we feel ourselves most deeply indebted. For us it is, that you are suffering the sentence of transportation with felons, the vilest outcasts of society! For us it is that you are condemned to the inhospitable shores of New Holland; where, however, we doubt not you will experience considerable alleviation by the remembrance of that virtuous conduct for which it is imposed on you, and by the sincere regard and esteem of your fellow-citizens.

"The equal laws of this country have, for ages past, been the boast of its inhabitants; but, whither are they now fled? We are animated by the same sentiments, are daily repeating the same words, and committing the same actions for which you are thus infamously sentenced; and we will repeat and commit them until we have obtained redress; yet we are unpunished! Either therefore the law is unjust towards you, in inflicting punishment on the exertions of virtue and talents, or it ought not to deprive us of our share in the GLORY of the martyrdom.

"We again, therefore, pledge ourselves to you and to our country, never to cease demanding our rights from those who have usurped them, until, having obtained an Equal Representation of the People, we shall be enabled to hail you once more with triumph to your native country. We wish you health and happiness; and be assured we never, never shall forget your name, your virtues, nor YOUR GREAT EXAMPLE.

"The London Corresponding Society.

"JOHN LOVETT, Chairman.

"THOMAS HARDY, Secretary.

"The 14th of April, 1794."

But the state of Muir's feelings, under the horrid oppression he suffered, will be best indicated if we refer to the following letter (printed also in the Appendix), written by him from the Hulks to a friend at Cambridge:

"MY DEAR FRIEND,—I received yours at Edinburgh with the sincerest pleasure; your sentiments and mine are equally accordant; the great lesson we have to learn in this world, is submission and resignation to the will of God. This lesson strikes upon the heart, not by the force of cold and abstracted precept, but by the example of Him, who was the object of all sufferings, and the pattern of all perfection. Much need have I to be taught in his school. Hurled, as it were in a moment, from some of the most polished societies in Edinburgh and London, into one of the hulks upon the Thames, where every mouth is opened to blaspheme God, and every hand stretched out to injure a neighbour, I cannot divest myself of the feelings of nature; I cannot but lament my situation; and were it not for the hope of immortality, founded upon our common Christianity, alas! I might accuse the Father of all justice and of all mercy with severity. But blessed be God, every thing in the great system of nature, every thing in the little system of individual man, corresponds with the great dispensations of the gospel, and demonstrates its efficacy.

"Much consolation does the reflection now afford me, that in prosperity I always regarded this revelation of heaven with the most profound reverence.

"In solitary exile there is dignity, there is a conscious pride, which, even independent of philosophy, may support the mind, but I question much if any of the illustrious of ancient ages could have supported an exile similar to mine, surrounded by the vilest outcasts of society, without the aid of religion and of the example of Jesus.

"I have been separated from Mr. Palmer, he is in one hulk, I am in a different one. The separation is an act of unnecessary cruelty.

"Of every thing relating to my future destination, I am utterly ignorant.

"Honour me by your correspondence, I am sure it will ameliorate my heart.

"Farewell! my truly worthy and respectable friend.

"THOMAS MUIR."

Was the man who could write such a letter an *infidel*, or a dangerous character to the peace and wellbeing of society? But, as if to make the punishment inflicted upon him still more exquisite, the Tory Government detained him in the Hulks till his fellow compatriots, Skirving, Gerrald, and Margarot, were sent up to join him under a similar sentence of the High Court of Justiciary, then the Star Chamber of the day. In March, 1794, the whole of these patriots, along with 83 individuals, some of them convicted of gross crimes and misdemeanours, were chained indiscriminately together, and sent on board the Surprise transport, under sailing orders for New South Wales! Extraordinary as the fact may appear, it is nevertheless true, that one of these convicts was a person of the name of Henderson, belonging to Glasgow, who had been tried about two years before, for the murder of his wife. Thomas Muir was the Counsel who pled his defence before the assize so successfully, that a modified verdict was brought in against him of *culpable homicide*, which saved his neck and subjected him to transportation, and now here he was going out in the same transport with his Advocate, under all these harrowing and most revolting circumstances. *O tempora, O mores!* But while Thomas Muir was thus treated by the Government of his own country, it resounds to the credit of the Government of *another* country, against which all the prejudices and animosity of England were then enlisted,—we mean the executive government of France; who, there is every reason to believe, issued orders to its naval commanders to intercept, if possible, the transport conveying Thomas Muir, and to restore him to liberty in France. Some knowledge of this seems to have reached the captives, and to have been betrayed to the English Government, for a Committee of Secrecy of the House of Commons was appointed, *vide* Parliamentary papers, entitled, "Second Report of the Committee to whom the several papers referred to in his Majesty's message of the 12th May, 1794, and which were presented, sealed up, to the House by Mr. Secretary Dundas, upon the 12th and 13th days of the said month, by his Majesty's command;" from which it appears that the Committee had before them an intercepted letter of Margarot, written by him just on the eve of the sailing of the transport, in which letter the following passage occurs:—"This morning ten ships of war have left Spithead for the Channel, and it is reported that the Brest (French) fleet is out." After, however, a tedious voyage, the Surprise transport reached Sydney on the 25th September, 1794. We have said

little of the agonized feelings of his parents on his departure, but the following simple verses written beneath his portrait at Huntershill, which they cherished beyond all other earthly objects, at once spoke their feelings, and soothed, in some degree, their affliction.

Doomed from this mansion to a foreign land,—
To waste his days of gay and sprightly youth ;
And all for sowing, with a liberal hand,
The seeds of that seditious libel, *Truth* !

On arriving at Sydney, Muir and his compatriots were, of course, placed under the surveillance of the authorities in that remote, then unpeopled and almost savage wilderness. But, we rejoice to state, that every indulgence was there shewn to him, compatible with the rules of the colony. He was no longer placed in chains, and doomed to hard labour like the brute beasts. His inoffensive and gentlemanly deportment commanded the esteem even of hardened criminals and wild savages, which is more than can be said of his tyrants in England. Shortly after his arrival, he thus wrote to his friend Moffat :—
“ I am pleased with my situation, as much as a man can be, separated from all he loved and respected. Palmer, Skirving, and myself, live in the utmost harmony. Of our treatment here, I cannot speak too highly. Gratitude will for ever bind me to the officers, civil and military. I have been constantly occupied in preparing the evidence and the defence of Palmer and Skirving. I have a neat little house here, and another two miles distant, at a farm across the water, which I purchased. When any money is transmitted, cause a considerable part of it to be laid out at the Cape or at Rio, in rum, tobacco, and sugar, which are invaluable, and the only medium of exchange,” &c.

In about a year afterwards, we find the Governor of Sydney, viz. the late John Hunter, Esq. who, perhaps fortunately for them, was a native of Scotland, and a humane and liberal man, thus communicating his sentiments about them in the following letter to a relative of his at Leith, which was published in the *Edinburgh Advertiser*, in the year 1796, and from that source we extract it.

“ N. S. Wales, 16th Oct. 1795.

“ The four gentlemen, whom the activity of the Magistrates of Edinburgh provided for our Colony, I have seen and conversed with separately, since my arrival here. They seem all of them gifted in the powers of conversation. Muir was the first I saw. I thought him a sensible young man, of a very retired turn, which, certainly, his situation in this country will give him an opportunity of indulging. He said nothing on the severity of his fate, but seemed to bear his circumstances with a proper degree of fortitude and resignation. Skirving was the next I saw ; he appeared to me to be a sensible, well informed man—not young, perhaps 50. He is fond of farming, and has purchased a piece of ground, and makes good use of it, which will, by and by, turn to his advantage. Palmer paid me the next visit : he is said to be a turbulent, restless kind of man. It may be so—but I must do him the justice to say,

I have seen nothing of that disposition in him since my arrival. Margaret seems to be a lively, facetious, talkative man—complained heavily of the injustice of his sentence, in which, however, he found I could not agree with him. I chose to appoint a time for seeing each separately, and, on the whole, I have to say, that their general conduct is quiet, decent, and orderly. If it continues so, they will not find me disposed to be harsh or distressing to them."

From all the information we have collected, we are satisfied that Thomas Muir did not and could not possibly entertain the most distant idea of effecting his escape from Sydney: on the contrary, he had evidently prepared himself for the full rigour of his sentence; and in this frame of mind, so creditably attested by the Governor, he became more and more reconciled to his situation, dreary and degrading though it was. He employed every moment of his time to the best advantage. He wrote Commentaries on the Trials of Palmer and Skirving, and he began to write a Treatise on the "Libel Law of Scotland,"—a task for which he was well qualified—but we regret that none of these productions appear to have found their way to this country, and it is impossible for us to tell whether any of them are now in existence. We know, however, positively, that his conduct at Sydney was governed by those noble principles of Christian philanthropy which breathe through his letters. He took pleasure in improving the mental and corporeal condition of the wretched and less favoured criminals beside him—one proof of which, is the fact, that whereas, at that period, there was scarcely a book of moral precept in the Colony, and religious instruction had there very few friends, he used to write, and sometimes to print, with his own hand, some of the most instructive and sublime portions of Scripture, which he was enabled to do from a small pocket Bible, presented to him by his mother as a memento of her eternal regard; and it will be seen, by and by, under what miraculous circumstances this very book secured his safety, and preserved his life.

We now come to an interesting part of Muir's history.

His trial in Scotland was reprinted and published in the United States of America, where he was likewise regarded as a martyr in the cause of Freedom. The immortal WASHINGTON became personally interested in his behalf; and some generous men in that hemisphere, touched with sympathy for his sufferings, (for they knew how he had been treated in England,) formed the bold project of rescuing him from his captivity. Accordingly, an American ship, called the Otter, commanded by Captain Dawes, was actually fitted out for this romantic but generous and philanthropic purpose at New York, towards the middle of the year 1795. She anchored in the cove at Sydney, almost at the very spot where Muir was, on the 25th of January, 1796. Captain Dawes and some of his crew went on shore, alleging that they were proceeding on a voyage to China, and were in need of some fuel and fresh water. No suspicion about

them was entertained. In a very little time, by chivalrous yet prudent exertion, Captain Dawes discovered Thomas Muir, and revealed to him the purpose of his mission. It is impossible for us, or perhaps for human imagination, to paint the state and the feelings of both individuals at that moment. This much we may presume to say, that Thomas Muir could only have regarded this brave American like a guardian angel sent to release him from the grasp of tyrants. Not a moment was now to be lost. Muir embraced his deliverer; and on the morning of the 11th Februrary, 1796, he was safely taken on board the American ship, amid the silent but hearty congratulations of her gallant crew. They instantly manned their sails and scudded from Sydney. We have no means of knowing whether Muir was within the reach of his friends, Palmer, Skirving, &c. or whether he had any opportunity of disclosing to them the unexpected means of escape which had opened up to him, so as they also might have embraced it. But soon afterwards we find* Margarot thus writing from Sydney, to the old veteran, Thomas Hardy of London:—"Mr. Muir has found means to escape hence on board an American vessel, which put in here under pretence of wanting wood and water. She is named the Otter, Captain Dawes, from what port in America I know not. It is reported she came in here for as many of us as chose to go." This honourable trait, however, in the conduct of Muir must not be overlooked, namely, that he addressed a letter to the Governor at Sydney, expressive of his grateful thanks to the Governor for the kindness he had shewn him, and intimating that he was now on his way to the United States of America.†

Preparations were there making for receiving him as an adopted son and citizen. But although he was thus apparently released of his sufferings, he soon became more than ever the child of misfortune. After being at sea for about four months, the Otter was shipwrecked! She unfortunately struck a chain of sunken rocks, near Nootka Sound, on the west coast of North America, and immediately went to pieces. Every soul on board perished, except Muir and two sailors. They alone reached that desolate shore scarcely in life; but they were soon pounced on by a tribe of Indians, from whom they expected nothing but inevitable cruelty, and a more horrifying death than that which their friends and fellow messmates had just met with in a watery grave. But the Indians laid no cruel hands upon them: true, they were soon separated from each other, and never met again, neither is it known what ultimately became of the hapless mariners, but Muir himself, after subsisting for several weeks on the raw fare, such as it was, of these savages, (were they not better than the savages at home?) effected his escape from them. He

* Vide Edinburgh Advertiser of 1799, p. 109.

† Vide Paterson's History of New South Wales, p. 290.

had now no human being to direct his course. The stars of heaven were his only guides. And in this abject and forlorn condition he travelled almost the whole of the western coast of North America, a distance of upwards of 4000 miles, without meeting with any interruption.

At last he reached the city of Panama, the first civilized place he had seen since he left Sydney. It was then under the jurisdiction of the Old Spaniards, who were extremely jealous of the appearance of any stranger in their dominions. Mr. Muir fortunately had acquired some knowledge of the Spanish language, and he found his way to the presence of the Governor, who was struck with his dejected and miserable appearance, for by this time he was almost wholly destitute of clothing, and his limbs were sorely mangled. Influenced by the principles of probity and honour, which he ever regarded, Muir at once proceeded to relate to the Governor a history of his misfortunes, and he had the satisfaction to find that the Governor listened to him with the most humane attention, and supplied him with nourishment and raiment. This hospitable conduct greatly comforted him, and the more so as the Governor gave further orders that after reposing in Panama for some days, he should be escorted on his journey across the Isthmus of Darien, by guides to be sent purposely with him.

After crossing that singular tract of country, Mr. Muir directed his course to Vera Cruz, the grand sea-port of Mexico, in the hope that he would find a vessel wherein he might be carried to some port in the United States. On reaching Vera Cruz, (a further journey of upwards of one thousand miles, and still performed on foot,) Muir also waited on the Governor of that place, and made his situation known to him. He candidly explained to the Governor the reason why he had been transported from England; and this gentleman, no vessel being there for America, generously undertook to provide him with a passage in the first vessel that sailed for the Havannah. Muir now suffered a severe attack of yellow fever, but though he was a stranger and penniless, every considerate and humane attention was paid to him by the Spaniards. On his recovery he was taken on board one of their vessels for the Havannah, where he was soon safely landed. But it seems the Governor of Vera Cruz had transmitted a dispatch to the Governor at the Havannah, stating, that though he had shewn every civility to Mr. Muir, he considered that a man of *his principles* would be dangerous in the Spanish dominions, and therefore recommended that Mr. Muir should be sent home by the earliest opportunity to the mother country, in order that the King of Spain might determine what should be done with him. On this the Governor at the Havannah now acted. Muir was committed to the prison, or castle, of La Principe, on the north side of the Island of Cuba. He

was obliged to sleep in a damp and disagreeable bed, which afflicted him with acute rheumatism, and brought on a loathsome disease, at which the heart revolts. Some humane Spaniard sent him a change of clean linen—the greatest luxury he had enjoyed for a long time: and though his confinement was not rigorous, he was greatly vexed to find that there was no American Consul, or Agent, at that time at the Havannah, to whom he could have applied for relief—his ardent wish still being to reach the United States, if possible.

Having thus been detained at La Principe for about four weeks, he was informed that he would now be transmitted to Spain, in one of two Spanish frigates, then receiving a rich cargo of specie for the government at home. During the voyage, he wrought, and was treated like one of the common sailors. But now we come to his last sad and tragical disaster.

The Spaniards were congratulating themselves on the approaching termination of a swift and prosperous voyage, for they had now nearly reached the harbour of Cadiz, little thinking that a British squadron, under the command of Sir John Jervis, afterwards created Earl St. Vincent, was there snugly waiting to intercept them. On the morning of the 26th April, 1797, two frigates, belonging to that squadron, viz. the Emerald and Irresistible, got their eye upon the Spaniards, and instantly gave chase. In a few hours they approached each other within pistol-shot, and prepared for action. It was a fierce and bloody one—lasting for some hours: but the Spaniards were vanquished. Towards its close the unhappy Muir was struck in the face by a cannon ball, and lay among the dying and the dead. The following account of the action is taken from the letter of a British officer to his friends in Scotland, published in the newspapers of the day:—

"His Majesty's Ship Irresistible,
At anchor off Cadiz, 26th April, 1797.

"On the 26th inst., lying off here, saw two strange ships standing for the harbour; made sail after them, with the Emerald frigate in company; and, after a chase of eight hours, they got an anchor in one of their own ports,—in Canille Bay. We brought them to action at two in the afternoon. We anchored abreast of them—one mile from the shore, and continued a glorious action till four, when the Spanish colours were struck on board and on shore, and under their own towns and harbours. Our opponents were two of the finest frigates in the Spanish service, and two of the richest ships taken during this war. A vicaroy and his suite, and a number of general officers, were on board of one of them. I am sorry to say that after they struck, the finest frigate ran on shore. We, however, got her off at 12 at night; but, from the shot she received, she sunk at three in the morning, with all her riches, which was a sore sight to me, especially as I had been on board her. We arrived here with our other prize, and are landing our prisoners. Among the sufferers on the Spanish side is Mr. Thomas Muir, who made so wonderful an escape from Botany Bay to the Havannah. He was one of five killed on board the Nymph; by the last shot fired by us. The officer at whose side he fell is now at my hand, and says he behaved with courage to the last."

* Vide Edinburgh Advertiser, June, 1797, p. 349.

But see what follows:—When the action was over, some of the officers and crew of the *Irresistible* boarded the frigate in which Muir was, to take possession of her as their prize. On looking at the dead and dying, one of our officers was struck at the unusual position in which one of them lay. His hands were clasped in an attitude of prayer, with a small book enclosed in them. His face presented a dreadful spectacle, as one of his eyes was literally knocked out, and the bone and lower part of the cheek lay open, with a horrid gash still streaming with blood. Some of the sailors believing him to be dead, were in the very act of lifting him up to throw him overboard, when he uttered a deep sigh, and the book fell from his hands. The officer alluded to took it up, and, glancing at the first page of it, he found these words:—"This Bible presented to Thomas Muir, by his afflicted, but affectionate mother." He was struck with astonishment. Thomas Muir had been one of his early school-fellows and companions! He had heard of some of his history, but to find him now in this extraordinary and deplorable situation was almost as incredible as it was truly heart-rending.

Without disclosing his name, for that might have injured or betrayed his unhappy friend and countryman, who had yet a chance of his life, this meritorious British officer promptly tied up his wounds as well as he was able, and enjoined the sailors to carry him gently on board a small skiff then lying at the side of the frigate, for receiving such of the Spaniards as had been severely wounded in the action, regarding whom an order had just been issued by the British Commander, to send them ashore, or to land them on their own territories, scarcely a mile distant.

After making this last extraordinary and providential escape, Thomas Muir was carried to the hospital at Cadiz, as a Spanish sailor, mortally wounded. In about two months—suffering all the while great agony, he was able to speak a little to those around him. Through some means or other, his fate and present situation were communicated to the French Directory at Paris, and so much did they feel interested about him, that they dispatched a special messenger to Cadiz, with instructions that every attention and respect should be paid to him.

The following letter, written by him at Cadiz to the celebrated Thomas Paine, who was then, we believe, a distinguished Member of the French National Convention, best discloses his state and feelings at this period:—

"Cadiz, August 14, 1797.

"DEAR FRIEND,—Since the memorable evening on which I took leave of you at ———, my melancholy and agitated life has been a continued series of extraordinary events. I hope to meet you again in a few months.

"Contrary to my expectation, I am at last nearly cured of my numerous wounds. The Directory have shown me great kindness. Their solicitude for an unfortunate being who has been so cruelly oppressed, is a balm of consolation which revives my drooping spirits. The Spaniards detain me as a prisoner, because I am a Scotchman;

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Ship *Irresistible*,
Cadiz, 28th April, 1797.

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but I have no doubt that the intervention of the Directory of the great Republic will obtain my liberty. Remember me most affectionately to all my friends, who are the friends of liberty and of mankind.—I remain, dear Sir, yours ever,

“THOS. MUIR.”*

Soon afterwards he was honoured with a communication from the government of France—not only offering to confer upon him the privileges of a free citizen, but urgently and generously inviting him to spend the remainder of his days in the bosom of the French nation. To an oppressed and persecuted individual, driven from his own country, and only known for his exertions and sufferings in the sacred cause of truth and liberty, such an invitation, coming, as it did, from one of the first nations of Europe, could not fail to be gratifying in the highest degree to Mr. Muir; and, it is almost unnecessary to add, that he accepted it as the highest reward which could be paid to him in this world.

The French government immediately followed up this invitation, by making a formal demand on the government of Spain to restore Thos. Muir to his freedom, and to afford every facility on his journey to France, which was done.

He arrived at Bourdeaux, the first entrance into the French territory, in November, 1797; and, lest it might be supposed that we exaggerate the glorious welcome there given to him, we beg to state, that we have extracted the following account of it from the London journals of that year:—

“When this ardent friend of Liberty and victim of oppression landed at Bourdeaux, he was received by the Republicans of that town with all those marks of affection and admiration which his patriotism and his misfortunes were calculated to inspire.

“Some Members of the Academy, and of the *Cercle de la Grande-Quille*, waited upon him, and testified the satisfaction which these Societies would experience if he should pay them a visit. Muir immediately accepted the invitation.

“His reception at the Society of Grande-Quille formed a very interesting spectacle. The building was illuminated—the Hall in which the meetings are held was decorated with the national colours and emblems of liberty, and a band of musicians performed all those animating airs which are dear to Republicans.

“A Citizen distinguished by his virtues and his patriotism, the worthy father of a respectable family, was appointed by the Society to give the *kiss of fraternity* to Thomas Muir, and in his person to the Freeman and Defenders of Liberty, in every country. A deputation of female Citizens presented him with the Flowers, Myrtles, and Laurels. The multitude who filled the passages which lead to the Hall manifested a desire to see him. He appeared on the balcony, and was welcomed by shouts of Live the Defenders and the Martyrs of Liberty!—Live the Republic!

“On the following evening he was invited to a civic banquet, during which the most pleasing harmony prevailed, and was displayed in the most pure Republican sentiments. Many patriotic toasts were drunk; among which were, The French Republic—The Friends of Liberty all over the world—The Army of England: may it, directed by the illustrious Deliverer of Italy, soon unite the Thames and the Seine, and make the airs dear to liberty resound on the mountains of Scotland and Ireland.

“A Citizen of Bourdeaux made a speech, in which he stated the persecutions which Thomas Muir had undergone, and the interest which all friends of Liberty take in his welfare.

“Thomas Muir then addressed the meeting in the following terms:—

“Citizens, I am not accustomed to speak the French language in public; but were

* Vide Edinburgh Advertiser, 1797.

I endowed with all the facility of speech and eloquence it is possible to possess, I should not be able to express the sensations I now feel. I am transported with joy to find myself at this moment among you; but when I compare my present situation with my brethren and countrymen, who sigh in dungeons or languish in exile, I experience sentiments of the most profound melancholy.

"Thanks to Eternal Providence, the Republic has once more been saved. The Liberty of the Universe is not yet lost. The Patriots of England, Scotland, and Ireland, will soon break their chains. They will combat along with you under the standard of Freedom. Permit me to speak to you in their names. The same spirit which animates you, animates them also. They are worthy of your esteem, for they aspire after liberty. We shall one day be free like you; and then by our sincere affection, we will prove to you that we are your brethren."

He reached Paris by slow and easy stages, on the 4th of February, 1798; and on the 6th of that month he thus wrote to the French Directory:—

"CITIZEN DIRECTORS,—I arrived two days ago at Paris, in a very weak and sickly state.

"Permit me to express to you the entire devotion and gratitude of my heart.

"To you I owe my liberty. To you I also owe my life. But there are other considerations of infinitely superior importance, and which ought to make a forcible impression on my mind.

"Your energetic conduct has saved the liberty, not only of France, but also of my country, and of every other nation in the world, at present groaning under oppression.

"It is unnecessary for me to make protestations of my love and veneration for the Republic. To my last breath I will remain faithful to my adopted country.

"I shall esteem, Citizen Directors, the day on which I shall have the honour to be admitted to your presence, the most precious of my life; and if I have passed through dangers and misfortunes, that moment will for ever efface their remembrance, and amply compensate them.

"I have the honour to be,

"CITIZEN DIRECTORS,

"With the most profound respect,

"Your grateful and devoted servant,

"THOMAS MUIR."

A deputation from the French Government immediately waited on Mr. Muir, to congratulate him on his arrival in Paris. His company was now courted by the highest circles in France; and indeed he acquired the sympathy and esteem of all classes in that great community. This is shewn by the following letter, written by him to his relative, Mr. William Muir, then at Hamburg.

"MY DEAR SIR,—I wrote you from Cadiz. I have long expected to hear from you; I am impatient to know the state of my father's family, which, as all communication is closed between England and the Republic, is extremely difficult to be procured. I am not yet recovered from my wounds; but I have received from the Government of this country the most generous and the most soothing treatment. The day will come when that country which gave me birth, emancipated from the yoke of cruel and persecuting tyrants, shall press forward to testify its gratitude. I may probably soon pay you a visit at Hamburg. I have, after an exile of five years, much to ask, and much to learn. If it is possible for you, inform my parents that if the gratification of almost every wish, and the sincerest proofs of a general esteem, can render a man happy, I may, paying the purest homage to the French Government, and to the French nation, lay claim to that happiness; but my mind is greatly agitated when I reflect upon the affliction which I have so long occasioned to them; not

however from folly or extravagance, but from my attachment to liberty, and the noble cause of humanity.

"I am, my dear Sir,

"Your affectionate Cousin,

"THOMAS MUIR."

"1st May, 1798.

"Maison D'Espagne, No. 5, Rue Colonibieri a Paris,

"Addressed

"Au Citoyen

"William Muir,

"Ecosais,

"Negotiant,

"a Hamburgh."

Nothing, in short, was wanting on the part of the French nation to make him happy—and of this, the grateful homage of his heart fully showed that he was deeply sensible. But his constitution was fast sinking. The wounds he had received were found to be incurable—and shortly afterwards, viz. on 27th of September, 1798, he died in peace and tranquillity, at the beautiful village of Chantilly, near Paris.

When his venerable parents, who had been made aware of his escape from Sydney, and of all the details of his subsequent eventful life, received the intelligence of his death, his mother clasped her hands, and, in a flood of tears, exclaimed to the individual who first broke the intelligence to her, and who yet lives to tell us the fact—"I bless God that in his mercy he has now released my son from all his tyrants."

Shall no Monument be erected to Thomas Muir—this glorious martyr to the cause of Freedom?

"Far may the boughs of Liberty expand,
For ever cultured by the brave and free;
For ever withered be the impious hand,
That lops one branch from this illustrious tree:
Britons, 'tis yours to make its verdure thrive,
And keep the roots of Liberty alive!"

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THE TRIAL

OF

THOMAS MUIR, ESQ. ADVOCATE,

YOUNGER OF HUNTERSILL.

THE High Court of Justiciary met at Edinburgh on Friday, the 30th August, 1793, at 10 o'clock, forenoon.

Judges present.

THE LORD JUSTICE CLERK, M^cQUEEN;
LORDS HENDERLAND,
DUNSINNAN,
SWINTON, and
ABERCROMBY.

Mr. Muir, who had obtained his liberation upon bail, soon afterwards appeared, and placed himself at the bar.

His Majesty's Advocate, for his Majesty's interest, was then, in the usual form, called against the pannel. Mr. Muir was desired by the Lord Justice Clerk to listen to the indictment against him, which was to be read immediately by the Clerk of the Court. Of that indictment the following is a true copy:

"GEORGE, &c.—Whereas it is humbly meant and complained to us by our right trusty ROBERT DUNDAS, Esq. of Arnistoun, our advocate for our interest, upon THOMAS MUIR, younger of Huntershill, That, by the laws of this and every other well governed realm, the wickedly and feloniously exciting, by means of seditious speeches and harangues, a spirit of disloyalty and disaffection to the King and the established government; more especially, when such speeches and harangues are addressed to meetings or convocations of persons, brought together by no lawful authority, and uttered by one who is the chief instrument of calling together such meetings: As also, the wickedly and feloniously advising and exhorting persons to purchase and peruse seditious and wicked publications and writings, calculated to produce a spirit of disloyalty and disaffection to the King and government: As also, the wickedly and feloniously distributing or circulating any seditious writ-

ing or publication of the tendency aforesaid, or the causing distribute or circulate any such seditious writing or publication: As also, the wickedly and feloniously producing and reading aloud, in a public meeting or convocation of persons, a seditious and inflammatory writing, tending to produce in the minds of the people a spirit of insurrection and of opposition to the established government: And, the publicly approving of, and recommending, in said meeting, such seditious and inflammatory writing, are all and each, or one or other of them, crimes of an heinous nature, dangerous to the public peace, and severely punishable: Yet true it is, and of verity, that the said Thomas Muir is guilty, actor, art and part, of all and each, or one or other, of the said crimes, aggravated as aforesaid: In so far as, on the 3d day of November, 1792, or on one or other of the days of that month, or of October immediately preceding, or of December immediately following, the said Thomas Muir having been present at a meeting in the town of Kirkintilloch, parish of Kirkintilloch, and county of Dumbarton, denominated, 'A Society for Reform,' or bearing some such name; and also, having, sometime during the course of the said month of November aforesaid, been present at another meeting at Mil-toun, parish of Campsie, and county of Stirling, which meeting was also denominated, 'A Society for Reform,' or bore some such name, (and both of which societies above mentioned the said Thomas Muir was the chief mean of instituting and forming,) he did, at times and places aforesaid, with wicked and seditious intention, address and harangue the said meetings; in which speeches and harangues, the said Thomas Muir did seditiously endeavour to represent the government of this coun-

No. 1.

try as oppressive and tyrannical, and the legislative body of the state as venal and corrupt, particularly by instituting a comparison between the pretended existing government of France and the constitution of Great Britain, with respect to the expenses necessary for carrying on the functions of government; he endeavoured to vilify the monarchical part of the constitution, and to represent it as useless, cumbersome, and expensive: At least, the said Thomas Muir did use words and arguments of the above seditious tendency and import. Further, the said Thomas Muir did, sometime during the course of September, October, or November, 1792, in the town of Glasgow in the county of Lanark, Kirkintilloch in the parish of Kirkintilloch and county of Dumbarton, and Miltoun in the parish of Campsie and county of Stirling aforesaid, and elsewhere, wickedly and feloniously exhort and advise several persons to purchase and peruse various seditious pamphlets and writings; Particularly, the said Thomas Muir did, sometime in the months aforesaid, within his father's house at Glasgow aforesaid, or some other place to the Public Prosecutor unknown, wickedly and feloniously advise and exhort John Muir, senior, late hatter in Glasgow, Thomas Wilson, barber in Glasgow, and John Barclay, residing in the parish of Calder and county of Lanark, to read Paine's Rights of Man, and to purchase the same; which book or pamphlet, entitled, Paine's Rights of Man, is a most wicked and seditious publication, calculated to vilify the constitution of this country, to produce a spirit of insurrection among the people, and to stir them up to acts of outrage and opposition to the established government. Further, the said Thomas Muir did, in the course of the months of September, October, or November aforesaid, wickedly and feloniously distribute and circulate, or cause to be distributed and circulated, in the towns of Glasgow, Kirkintilloch, and Miltoun aforesaid, and at Lennox-toun, in the said parish of Campsie and county of Stirling, or elsewhere, a number of seditious and inflammatory writings or pamphlets; particularly, a book or pamphlet, entitled, 'The Works of Thomas Paine, Esq.:' Also, a writing or publication, entitled, 'A Declaration of Rights, and an Address to the People, approved of by a number of the Friends of Reform in Paisley:' Also, a paper or publication, entitled, 'A Dialogue betwixt the Governors and the Governed;' Also, a paper or publication, entitled, 'The Patriot:'

Particularly, the said Thomas Muir did, some time in the month of October or November aforesaid, at Kirkintilloch, aforesaid, or at some other place to the Public Prosecutor unknown, wickedly and feloniously deliver and put into the hands of Henry Freeland, weaver in Kirkintilloch, a seditious book or pamphlet, entitled, 'The Works of Thomas Paine, Esq.:' which the said Henry Freeland carried away with him; which book or pamphlet, along with the other wicked, seditious, and inflammatory passages, contains the following:—

"Paine's Works, p. 13.—'Monarchy is ranked in Scripture as one of the sins of the Jews, for which a curse in reserve is denounced against them.'

"P. 20.—'In short, monarchy and succession have laid not this or that kingdom only, but the world, in blood and ashes; it is a form of government which the word of God bears testimony against, and blood will attend it.'

"P. 21.—'Why is the constitution of England sickly, but because monarchy hath poisoned the republic?—the crown hath engrossed the commons.'

"'In England, a king hath little more to do than to make war, and to give away places; which, in plain terms, is to impoverish the nation, and set it together by the ears. A pretty business, indeed, for a man to be allowed eight hundred thousand pounds sterling a-year for, and worshipped into the bargain! Of more worth is one honest man to society, and in the sight of God, than all the crowned ruffians that ever lived.'

"P. 78.—'What are the present governments in Europe, but a scene of iniquity and oppression? What is that of England? Do not its own inhabitants say it is a market where every man has his price, and where corruption is common traffic, at the expense of a deluded people? No wonder then that the French Revolution is traduced.'

"P. 85.—'But the second head, that of a nation establishing a particular family with hereditary powers, does not present itself as despotism, on the first reflection; but, if men will permit a second reflection to take place, and carry that reflection forward but one remove out of their own persons to that of their offspring, they will then see that hereditary succession becomes in its consequences the same despotism to others which they reprobate it for themselves.'

"P. 86.—'It operates to preclude the consent of the succeeding genera-

Thomas Muir did, in the month of October or November, at Kirkintilloch, or at some other place to the effect of the unknown, wickedly and put into the world, weaver in the famous book or pamphlet, Works of Thomas Muir, which book he said Henry Frere carried away with him; which book with the other wicked, seditious passages, con-

p. 13.—'Monarchy is as one of the sins which a curse in reserve at them.'

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is the constitution of it because monarchy republic?—the crown commons.

making hath little more war, and to give away plain terms, is to impute, and set it together by business, indeed, for and eight hundred thousand a-year for, and worse! Of more worth to society, and in the all the crowned ruffians.

What are the present hopes, but a scene of illusion? What is that of its own inhabitants say every man has his corruption is common to a deluded people? that the French Revolu-

the second head, that of a particular family, does not present on the first reflection; admit a second reflection and carry that reflection remove out of their own their offspring, they will hereditary succession be- consequences the same des- which they reprobate it

operates to preclude the succeeding genera-

tion, and the preclusion of consent is despotism.

"Part II. p. 30.—'All hereditary government is in its nature tyranny. An heritable crown, or an heritable throne, or by whatever fanciful name such things may be called, have no other significant explanation, than that mankind are heritable property. To inherit a government is to inherit the people, as if they were flocks and herds.'

"P. 31.—'The act called the Bill of Rights comes here into view. What is it but a bargain which the parts of the government made with each other to divide powers, profits, and privileges? You shall have so much, and I shall have the rest; and with respect to the nation, it said, for your share you shall have the right of petitioning. This being the case, the Bill of Rights is more properly a Bill of Wrongs, and of insult.'

"P. 34.—'The attention of the Government of England (for I rather choose to call it by this name, than the English Government,) appears, since its political connection with Germany, to have been so completely engrossed and absorbed by foreign affairs, and the means of raising taxes, that it seems to exist for no other purposes. Domestic concerns are neglected; and with respect to regular law, there is scarcely such a thing.'

"P. 126.—'The time is not very distant when England will laugh at itself for sending to Holland, Hanover, &c. or Brunswick, for men, at the expense of a million a-year, who understood neither her laws, her language, nor her interest, and whose capacities would scarcely have fitted them for the office of a parish constable. If government could be trusted to such hands, it must be some easy and simple thing indeed, and materials fit for all the purposes may be found in every town and village in England.'

"And the said Thomas Muir did, sometime in October or November aforesaid, within his own or his father's house at Hunterhill, in the county of Lanark, or at some other place to the Public Prosecutor unknown, wickedly and feloniously put into the hands of William Muir, weaver in Kirkintilloch, eleven numbers of a seditious book or pamphlet, entitled, "The Patriot," which the said William Muir carried away with him, and kept possession of; and which book or pamphlet contained among others the following seditious passages:

"Patriot, No. V. pp. 168 and 169.—'They have lost the distinguishing char-

acter between freemen and slaves; they have lost the distinguishing character of Englishmen! They have lost what the most tyrannical Kings of England would never force from them! They have, in a great measure, lost what their forefathers spent their blood and treasure to defend—the greatest jewel that any people can possess—their constitutional and natural liberty—their birth-right and inheritance derived from God and nature! They have lost the constitutional means of redress for all their grievances! What is it indeed they have not lost by that hated septennial law, which has fettered down the elective power of the people, like a dog to a manger, who is only suffered to go abroad once in seven years for an airing!'

"No. VI. pp. 184 and 185.—'Rouse, then, ye Britons! Awake from the slumbering state of apathy in which you have so long suffered yourselves ingloriously to remain! Open your eyes to the injuries which have been heaped on you; and assert your rights to have them redressed! Evince to all the world that you are the true descendants and sons of your once famed glorious ancestors; prove yourselves worthy to inherit, in its highest degree of perfection, that constitution which they raised by their valour and cemented with their blood:—Raise your voice—the voice of the people—and sound in the ears of Tyrants, and their abettors, that you will be free, and you are so; that voice is the noble, the mighty fiat, which none can, or dare to, attempt to gainsay.'

"No. XI. p. 375.—'And what would he (Earl of Chatham) have thought, if he had lived to hear people now talk of a happy and glorious constitution, evidently built upon corruption, and supported by speculation? And what would he have conjectured, had he seen a proclamation issued to intimidate and prevent the people from exercising their right of conferring upon, and publishing their grievances?'

"No. XII. p. 414.—'But we should ask, here, what is the difference between a King of England taxing his subjects without consent of Parliament, and taxing them with the consent of Parliament, which Parliament the King, or his Ministers, can influence as he pleases to approve of war or peace, and to vote such supplies as may be required; no matter how grievous or burdensome, nor for what base or corrupt purposes they are granted: one would think that the latter method is equally oppressive, and deserving of reprobation for being done with a seeming legality, and under a form and semblance

of constitutional procedure, the people are made parties to their own oppression, and the greatest insults are added to the heaviest injuries.'

"P. 419.—'Here we see clearly the origin of the immense overgrown landed property of our race of nobles and rich commoners; a right founded in murder, desolation, rapine, and proscription of the first owners and holders of the landed property in this kingdom, among our Saxon ancestors; and by this we may easily trace the means by which our nobility are, at this moment, not only in possession of one branch of the legislature, by hereditary claim, but by which they have also monopolized, with the addition of a few rich commoners, the majority of voice in the House of Commons, which, shame to tell, is barefacedly called the Representation of the People. This we pledge ourselves to prove to the satisfaction of our readers in the course of this work, and indeed of a few more numbers.' And the said paper or publication, entitled, 'A Declaration of Rights, and Address to the People, approved of by a number of the Friends of Reform in Paisley,' distributed and circulated as aforesaid, contained the following passages:

"Paisley Declaration, p. 4.—1. 'Being subject to the legislation of persons whom other men have placed over you, it is evident you are denied that which is the right of every one, and without which none are free. For to be enslaved, is to have no will of your own in the choice of those law-makers, which have power over your properties, your families, your lives, and liberties. Those who have no votes for electing representatives are not free, as the rights of nature, and the principles of our constitution, require, but are enslaved to the representatives of those who have votes.'

"P. 5.—3. 'Should you not associate in your own cause, and with one voice? the voice of united millions demand reform in the national representation.'

"P. 8.—10. 'But such a Parliament cannot be had unless we will revert to the first principles of our constitution, which we have so shamefully abandoned. A government where the executive and legislative power meet in a single person, has no more pretence to freedom; it is perfect despotism; and the people who submit to it are in a state of slavery. If the will of the Prince must be law, in what manner it is announced, whether the mandate issue directly from the throne itself, or through the medium of the House

of Commons, is a matter of indifference. If that assembly is no longer the representative of the people, the constitution is changed. If those men who are said to represent us are only the registers of the Royal edicts, the government is degenerated into an absolute Monarchy. Since electing a Parliament is our only security against an arbitrary power in the Crown, election itself must be not only the common right, but the common duty, of all the people.'

"P. 15.—'But the evils of long Parliaments—are they not written in tears and in blood? And have they left us aught of liberty but the name? With the poor exception, then, of one year of freedom in seven, and that in favour of not one-seventh part of the nation, it is demonstrated that you are constantly taxed without being represented, and compelled to obey laws to which you never gave assent. Are not these the very definitions of slavery? And, are you not thus degraded to a level with the very cattle in the field, and the sheep in the fold; which are a property to those who rule over them, and have no power to say, why are we bought and sold? why are we yoked and laden with heavy burdens? why are we fleeced and led to the slaughter? Demand, then, with one voice, friends and countrymen, that share in making your own laws to which, by the constitution and the laws of nature, you are entitled; call for the Bill which would restore your lost constitution, and recover your stolen rights! Pursue the only course which can ever effect any considerable reduction of debts and taxes, or materially advance the interest of manufactures and commerce! In short, be free, prosperous, and happy! and give your posterity the same cause to reverse your memories, as you have to bless those progenitors who left you an inheritance in a free constitution.'

"And the above writing or publication, entitled, 'A Dialogue between the Governors and the Governed,' distributed and circulated as aforesaid, contained, among others, the following passage:

'Civil Governors. The law enacts that ye be submissive.

'People. The law is the general will, a new order.

'Civil Governors. You will be a rebellious people.

'People. Nations cannot revolt; tyrants are the only rebels.

'Civil Governors. The King is with us, and he commands you to submit.

'People. The Kingly office originates

in the people, who elect one of themselves to execute it for the *general good*. Kings, therefore, are essentially indivisible from their nations. The King of ours, then, cannot be with you; you only possess his phantom. And the Military Governors stepping forward, said, "The people are timid, let us menace them, they only obey force. *Soldiers, chastise this insolent rabble.*"

"*People*, Soldiers, you are of our own blood! Will you strike your brothers? If the people perish, who will maintain the army?—And the soldiers, grounding their arms, said to their chiefs, "We also are the people, we are the enemies of ———."

"Whereupon the *Ecclesiastical Governors* said, "There is now but one resource left. The people are superstitious; we must frighten them with the name of God, and of Religion.—Our dearly beloved brethren, our children! God has appointed us to govern you."

"*People*. Produce to us your heavenly powers.

"*Priests*. You must have faith: reason will lead you astray.

"*People*. Do you govern, then, without reason?"

"*Priests*. God ordains peace: Religion prescribes obedience.

"*People*. Peace presupposes justice: obedience has a right to know the law it bows to.

"*Priests*. Man is only born into this world to suffer.

"*People*. Do you, then, set us the example.

"*Priests*. Will you live without God and without Kings?"

"*People*. We will live without Tyrants, without Imposters."

There, the said Thomas Muir having, upon the 11th, 12th, or 13th days of December, 1792, or on one or other of the days of that month, been present at a meeting calling itself 'The Convention of Delegates of the Associated Friends of the People,' or assuming some such name; which meeting was held in a room commonly called Laurie's Room, in James's court, in the city of Edinburgh, he did then and there, with a wicked and seditious design, produce, and read aloud to the said meeting, a writing or paper, entitled, 'Address from the Society of United Irishmen in Dublin, to the Delegates for promoting a Reform in Scotland.' Which writing or paper was of a most inflammatory and seditious tendency, falsely and insidiously representing the Irish and Scotch nations as in a state of downright oppression, and exciting the people re-

belliously to rise up and oppose the government. And which paper or writing, among other passages, contained the following:—

"P. I.—'We take the liberty of addressing you in the spirit of civic union, in the fellowship of a just and common cause. We greatly rejoice that the spirit of freedom moves over the surface of Scotland, that light seems to break from the chaos of her internal government, and that a country so respectable for her attainments in science, in arts, and in arms, for men of literary eminence, for the intelligence and morality of her people, now acts from a conviction of the union between virtue, letters, and liberty; and now rises to distinction, not by a *calm, contented, secret* wish for a reform in Parliament, but by openly, actively, and urgently *willing* it, with the unity and energy of an embodied nation. We rejoice that you do not consider yourselves as merged and melted down into another country, but that in this great national question you are still Scotland.'

"Also, 'We will lay open to you our hearts: our cause is your cause. If there is to be a struggle between us, let it be, which nation shall be foremost in the race of mind. Let this be the noble animosity kindled between us, Who shall first attain that free constitution from which both are equidistant? Who shall first be the saviour of the empire?—The sense of both countries with respect to the intolerable abuses of the constitution, has been clearly manifested, and proves that our political situations are not dissimilar, that our rights and wrongs are the same.'

"Also, 'We will not be the dupes of such ignoble artifices. We see this scheme of strengthening political persecution and state inquisition, by a fresh infusion of religious fanaticism. But we will unite, and we will be free. Universal emancipation, with representative legislature, is the polar principle which guides our society, and shall guide it, through all the tumult of factions, and fluctuations of parties. It is not upon a coalition of opposition with ministry that we depend, but upon a coalition of Irishmen with Irishmen; and in that coalition alone we find an object worthy of reform, and, at the same time, the strength and sinew both to attain and secure it. It is not upon external circumstances, upon the pledge of man or minister, we depend, but upon the internal energy of the Irish nation. We will not buy or borrow liberty from America or from France, but manu-

facture it for ourselves, and work it up with those materials which the hearts of Irishmen furnish them with at home. We do not worship the British, far less the Irish constitution, as sent down from heaven; but we consider it as human workmanship, which man has made and man can mend. An unalterable constitution, whatever be its nature, must be despotism. It is not the constitution, but the people, which ought to be inviolable; and it is time to recognise and renovate the rights of the English, the Scotch, and the Irish nations.'

"Also, 'You have our ideas; answer us, and that quickly.—This is not a time to procrastinate.—Your illustrious Fletcher has said, that the liberties of a people are not to be secured without passing through great difficulties; and no toil or labour ought to be declined to preserve a nation from slavery. He spoke well; and we add, that it is incumbent on every nation who adventures into a conflict for freedom, to remember, it is on the event (however absurdly) depends the estimation of public opinion; honour and immortality, if fortunate; if otherwise, infamy and oblivion. Let this check the rashness that rushes unadvisedly into the Committee of national character; or, if that be already made, let the same consideration impel us with active, not passive perseverance; with manly confidence, and calm determination, smiling with equal scorn at the bluster of official arrogance, and the whispers of private malevolence, until we have planted the flag of freedom on the summit, and are at once victorious and secure.

'M^r Alister, 102, Grafton-street, Printer.'

"Which seditious paper or writing, containing, among others, the above passages, the said Thomas Muir did, immediately thereafter, wickedly and feloniously, propose should be received, and lie on the table of the said Meeting; and did also move, that the thanks of the Meeting, or some acknowledgment, should be returned to those from whom the foresaid paper or address came. And, moreover, the said Thomas Muir did, then and there, wickedly and feloniously, express his approbation of the sentiments contained in the said paper or address, or, at least, did declare, that it was altogether harmless; or used words and expressions of a similar import, notwithstanding that many of those who were present at the foresaid meeting, did oppose and object to the foresaid paper or address being read, or allowed to lie on the table, or in any

shape acknowledged by the said meeting. And the said Thomas Muir, having been brought before John Pringle, Esq. our sheriff-depute of the county of Edinburgh, upon the 2d day of January, 1793, did, in his presence, emit and sign a declaration; but immediately thereafter, the said Thomas Muir, conscious of his guilt in the premises, did, in order to evade punishment, abscond and leave the kingdom; and having been indicted at the instance of our advocate, for our interest, to stand trial before the High Court of Justiciary, upon the 11th day of February last, the diet was afterwards continued to the 25th of that month, to give him the better opportunity of appearing, if he was so disposed; but the said Thomas Muir having, notwithstanding, failed to appear, he was, on the 25th of February last, fugitive by a sentence of the said High Court. And the said Thomas Muir having lately, in a private and clandestine manner, come into this country, by the way of Ireland, he was discovered at Portpatrick, apprehended, and committed prisoner to the tolbooth of Stranraer, in the county of Wigton, on the 30th, or some other day in the month of July last; and at same time, sundry papers found in his possession were, together with his pocket-book, sealed up in the presence of William Ross, Esq. one of our justices of peace for the shire of Wigton, under the seals of the said Thomas Muir and the town-seal of Stranraer. And the said Thomas Muir having been afterwards transmitted to Edinburgh, by warrant of our High Court of Justiciary, along with the said pocket-book and papers, the sealed parcel containing the same was opened in presence of him, the said Thomas Muir, and Harry Davidson, Esq. sheriff-substitute of the county of Edinburgh, upon the 10th day of August current, the seals having been previously inspected by the said Thomas Muir, and declared by him to be entire; and an inventory of the contents thereof was made, and signed by the said Thomas Muir and Harry Davidson, and others then present. And the above-mentioned declaration, emitted by the said Thomas Muir before the Sheriff-depute of Edinburgh, upon the 2d of January, 1793, together with a copy of 'Paine's Works,' recommended and circulated as aforesaid; as also a copy of the said 'Declaration of Rights, and an Address to the People, approved of by a number of the Friends of Reform in Paisley,' circulated as aforesaid; as also a copy of 'The Dialogue between the Governors and the Governed,'

by the said meeting. Thomas Muir, having been called by Pringle, Esq. our Sheriff of Edinburgh, on the 17th of January, 1793, did, in the presence of the Court, sign a declaration; and after, the said Thomas Muir, in order to evade punishment, left the kingdom; and, being indicted at the instance of the Court, stood our interest, to stand before the Court of Justiciary, on the 1st of February last, the Court continued to the 25th of the same month, to hear him the better opportunity, if he was so disposed. Thomas Muir having, on the 10th day of August current, been called to appear, he was, on the 17th of January last, fugitive by the High Court. And, having lately, in a manner, come into the way of Ireland, he was apprehended by Mr. Patrick, and imprisoned in the town of Wigan, on the 10th day of August; and at the same time, he was in his possession of a pocket-book, sealed with the seals of William Ross, Esq. of peace for the County of Edinburgh, under the seals of the said Thomas Muir, and Harry Griffith-substitute of the Sheriff, upon the 10th day of August, the seals having been broken by the said Thomas Muir, and the contents thereof being examined by the said Thomas Muir, and others, and the above-mentioned pocket-book, by the said Thomas Muir, on the 10th day of January, 1793, to the effect of 'Paue's Works,' circulated as aforesaid; and the said 'Declaration of the People of the Friends of the Rights of the People,' circulated as aforesaid; and the said 'The Dialogue between the Governed and the Governed,'

circulated as aforesaid; as also a copy of 'The Patriot,' circulated as aforesaid; as also a copy of 'the Address from the Society of United Irishmen in Dublin to the Delegates for promoting a Reform in Scotland,' produced, read, and approved of, by the said Thomas Muir, in manner aforesaid, and attested by the subscriptions of James Denholm, James Campbell, and others; and also, a book, entitled, 'The Book of the Records of the Association of the Friends of the Constitution, and of the People of Kirkintilloch, volume 1st, entered at Kirkintilloch, November, 1792;' and also the aforesaid inventory, made up before the said Thomas Muir and the Sheriff-substitute of Edinburgh, upon the said 10th day of August current, with the whole articles and papers therein contained and referred to, will all be used in evidence against the said Thomas Muir, and will, for that purpose, in due time, be lodged with the Clerk of the High Court of Justiciary, before which he is to be tried, that he may have an opportunity of seeing the same. At least, times and places above mentioned, the said seditious speeches and harangues were uttered, the said seditious books or pamphlets recommended to be purchased and perused, the said seditious books or pamphlets circulated and distributed, as aforesaid, and the said wicked and inflammatory address produced, read, recommended, and approved of, in manner above mentioned; and the said Thomas Muir is guilty actor, or art and part, of all and each, or one or other of the aforesaid crimes. All which, or part thereof, being found proven, by the verdict of an assize, before our Lord Justice General, Lord Justice Clerk, and Lords Commissioners of Justiciary, in a Court of Justiciary to be holden by them within the Criminal Court-house of Edinburgh, the said Thomas Muir ought to be punished with the pains of law, to deter others from committing the like crimes in all time coming."

To this indictment, Mr. Muir pleaded, Not Guilty. He was then asked by the Lord Justice Clerk, if he had any objections to the relevancy of the charges which it contained. Mr. Muir replied that he had uniformly considered the jury as the only judges of the law and of the fact; and that, in this stage of the trial, he would plead upon no point, which might preclude the determination of the jury, by a previous decision of the Court.

In point of form, it is required in Scotland, that the person accused should communicate upon the evening preceding

the trial, in writing, the substance of his defence, with a list of the witnesses intended to be adduced in exculpation. Mr. Muir had complied with this rule, and the Clerk of Court read the following defences:

DEFENCES.—The criminal libel is false and injurious: so far from exciting the people to riot and insurrection, it can easily be proved, by a numerous list of witnesses, that, upon every occasion, the pannel exhorted them to pursue measures moderate, legal, peaceable, and constitutional. The charge of distributing seditious publications, and of advising the people to read them, is equally false and calumnious. The pannel admits, that, on the great national question, concerning an equal representation of the people in the House of Commons, he exerted every effort to procure in that House, a full, fair, and equal representation of the people, as he considered it to be a measure (and still does) the most salutary for the interest of his country. But the pannel offers to prove, that, as he considered the information of the people to be the chief thing requisite to accomplish this great object, he uniformly advised them to read every publication, upon either side, which the important question of Parliamentary Reform had occasioned.

Under protestation to add and eik.

(Signed) THOMAS MUIR.

The following interlocutor was then pronounced by the Court upon the relevancy:

"The Lord Justice Clerk, and Lords Commissioners of Justiciary, having considered the criminal libel, raised and pursued at the instance of Robert Dundas, Esq. of Arncliffe, his Majesty's Advocate, for his Majesty's interest, against the said Thomas Muir, pannel, they find the libel relevant to infer the pains of law, but allow the pannel to prove all facts and circumstances that may tend to exculpate him, or alleviate his guilt; and remit the pannel with the libel, as found relevant, to the knowledge of an assize."

LIST OF THE JURY.

Gilbert Innes of Stow, *Foreman*.
Sir James Foulis of Collington.
Captain John Inglis of Auchindinny.
John Wauchope of Edmonstone.
Andrew Wauchope of Niddry-Marshall.
John Trotter of Morton-hall.
James Rochford of Inverleith.
John Alves, of Dalkeith, *portioner*.
William Dalrymple, merchant, Edinburgh.
Donald Smith, banker, Edinburgh.
James Dickson, bookseller, Edinburgh.
George Kinneir, banker, Edinburgh.
Andrew Forbes, merchant, Edinburgh.
John Horner, merchant, Edinburgh.
John Balfour, younger of Pitlig, *Clerk*.

Immediately afterwards, the Lord Justice Clerk asked Mr. Muir if he had any thing further to state, in support of these defences, as in the further course of the trial he would be precluded from adducing any thing extraneous.

Mr. Muir then rose up and said, according to the rule of court, I have, the evening before this day, communicated to the Public Prosecutor the substance of my defence in writing. The truth of every word in that defence, I shall strongly prove before I leave this bar. I admit that I exerted every effort, to procure a more equal representation of the People in the House of Commons. If that be a crime, I plead guilty to the charge. I acknowledge that I considered the cause of Parliamentary Reform to be essential to the salvation of my country: but I deny that I ever advised the People to attempt to accomplish that great object, by any means which the constitution did not sanction. I grant that I advised the people to read different publications upon both sides, which this great national question had excited, and I am not ashamed to assign my motives. I consider the ignorance of the people, on the one hand, to be the source from which despotism flows. I consider, upon the other hand, an ignorant people, impressed with a sense of grievances, and wishing to have these grievances redressed, to be exposed to certain misery and to complete ruin. KNOWLEDGE must always precede REFORMATION, and who shall DARE to say that the PEOPLE should be debarred from INFORMATION, where it concerns them so materially? I am accused of sedition; and yet, I can prove by thousands of witnesses, that I warned the people of the danger of that crime, exhorted them to adopt none but measures which were constitutional, and entreated them to connect *liberty with knowledge*, and both with *mortality*. This is what I can prove. If these are crimes, I am guilty.

Captain INGLIS, before being sworn, mentioned that he was a servant of government; that he understood Mr. Muir was accused of a crime against Government; and that he did not consider it as proper, that Mr. Muir should be tried by a Jury composed of servants of Government; that his mind felt scrupulous, laboured under much anxiety, and he begged leave to decline being a Juryman. Captain Inglis was informed by the Court, that there was no impropriety in his being a Juryman, although belonging to the service of Government.

The Lord Justice Clerk, in the usual form, asked Mr. Muir if he had any objections to state to the first five gentlemen, whose names he had selected from the list of assize.

Mr. Muir said: Of these gentlemen I have no personal knowledge. Their situations in life are respectable, and I believe them to be men of truth, and of honour; yet my situation and theirs is so peculiar, that I am obliged to object to them being upon this Jury. The question of Parliamentary Reform has agitated deeply, in proportion to its magnitude, the minds of men in this country; different opinions have been adopted, and different parties have been formed. These gentlemen belong to an association which assembled in Goldsmiths' Hall, calling themselves the Friends of the Constitution, united its support to against Republicans and Levellers, and expressing their zeal to suppress tumult and sedition. I belong to the association of the Friends of the People. Viewing a reform in the representation of the people as a measure the most conducive to the stability of the constitution, and to the felicity of the people, we united our common exertions, by legal measures, to accomplish that object.

To the constitution, in its genuine principles, we have solemnly pledged ourselves—never have we professed to be its enemies, yet the association in Goldsmiths' Hall, by a deliberate and public act of theirs, have declared, that we were the enemies of the constitution. Equally zealous in our declarations to the world—in our reprobating riot and sedition, and sincere in our hearts, that association has denounced us to this country, as attempting to kindle the torch of civil war, and to lay it in blood and in destruction. The fact upon which I found this charge is notorious, and cannot be denied. A Convention of Delegates, from all the Societies of the Friends of the People in Scotland, assembled in this city, upon the 11th day of December last. Of this Convention I had the honour of being a member. The Convention accorded with the Association in Goldsmiths' Hall, in their zeal to support the constitution, in their abhorrence of sedition, and in their determination to concur with good citizens in the suppression of riot and of tumult. To testify, then, to this association, their principles and their object, the Convention ordered a number of its members to repair to their hall, and to subscribe the book which they had opened, of adher-

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I was included. We did so. And, what
were the consequences? The Associa-
tion erased our names, and published in
the papers of the day their proceeding.
Was not this an act of public proscription
against us all? Accused this day of sedi-
tion, of an attempt to overthrow the con-
stitution, shall those men be my jurymen,
who have not merely accused me, but
likewise judged and condemned me with-
out knowing me, without leaving me the
possibility of the power of vindication?
This trial is no trivial matter. It affects me,
but it affects the country more. The noise
of it will pass down to other times, and
posterity may fancy their most valuable
rights connected with its consequences.

A respectable gentleman of the five to
whom I now object has felt the delicacy
of his situation, and has honourably avow-
ed his scruples. Such sentiments, so re-
spectful in themselves, I trust are common
to all his colleagues.

This is not the only objection I state to
the Gentlemen of Goldsmiths' Hall being
of my Jury. I am accused of circulating
the works of Mr. Paine. That Associa-
tion has publicly advertised their horrors
at the doctrines contained in these books.
Nay, more, they have offered a reward of
five guineas, to any one who will discover
a person who may have circulated them!
If this is not prejudicating my cause, I
demand to know what prejudication is?

Upon these two objections, I shall make
no further observations. To suppose them
not well founded, would be to insult the
common sense and the common feelings
of mankind.

I demand justice. Let me be tried
fairly, not by a jury of the Association of
Goldsmiths' Hall, not by a Jury of the
Association of the Friends of the People,
but by men unconnected with either,
whose minds cannot possibly be supposed
warped with prejudices. I therefore so-
lemnly protest, that no person who is a
member of the Association in Goldsmiths'
Hall, should, or can, be of the Jury in
my trial.

Solicitor-General BLAIR replied, that
he considered this objection to be of the
most extraordinary nature. The pannel
is accused of forming associations, con-
trary to the Constitution, and he presumes
to object to those Gentlemen who formed
associations in its defence. With equal
propriety might the pannel object to their
Lordships on the Bench to be his Judges
in this trial: their Lordships had sworn
to defend the Constitution.

Mr. MUIR.—This day, I will not de-
scend into the quibbles of a lawyer. I
object to these gentlemen, not because
they associated in defence of the consti-
tution. I, too, as well as they, have associ-
ated in defence of the constitution. But
my objection is, that they, by an act of
theirs, have publicly accused me of being
an enemy to the constitution, have already
pronounced the sentence of condemnation,
and have imposed upon my name the seal
of proscription.

LORD JUSTICE CLERK.—If the objec-
tions of the pannel were relevant, it would
extend far indeed; it would go to every
person who had taken the oaths to govern-
ment. I can see nothing in the objec-
tion, and I am clear for repelling it.

LORD HENDERLAND.—I can see no-
thing in the objection; these gentlemen
entered into a society for a particular pur-
pose, and had the right of judging of the
qualification of their members; they did
not think Mr. Muir or his friends proper
members. In no trial whatever could
this be a good objection.

The objection was repelled. Mr. Muir,
however, continued to repent it, as every
five were sworn.

When the list of the five last was pre-
sented, he said it was not sufficient to say
that these gentlemen were free to form a
society; this is a fact which no man in his
sound senses will dispute. But, this so-
ciety when formed, had opened, in a pub-
lic place, a book for public subscription.
By repeated advertisements they had cal-
led upon every friend to the constitution,
every enemy to sedition and tumult, every
person inimical to a public division of prop-
erty by a levelling system, to come and
subscribe their names in that book, as ex-
pressive of their attachment to the consti-
tution, to property, and to peace. Every
porter, every chairman from the streets,
was allowed to insert his subscription.
Why were the names of the pannel and
his friends expunged? Was it not a public
denunciation of their being the supporters
of that system of plunder and of disorder,
which that association was to oppose?

When the Jury were sworn in, Mr.
Muir again stated, that he believed them
to be men of truth and integrity, but
never would cease recalling to their atten-
tion the peculiarity of their situation.
They had already determined his fate:
they had already judged his cause; and,
as they valued their reputation, their own
internal peace, he intreated—[Here
Mr. Muir was interrupted by the Court,
who concurred in opinion, that his conduct

was exceedingly improper, in taking up their time, as the objection had been repelled.]

The Counsel for the Crown now proceeded to call the witnesses.

Alexander Johnston, Bleacher, Kincaid Printfield, Campsie.—Mr. Muir objected to this witness. He said he did not know him. He did not remember if ever he had seen him, but he could clearly prove, by respectable witnesses, that this person had said, upon hearing of his arrival in Scotland that he would do every thing in his power to have him hanged.

Mr. Muir was asked if he could descend upon any particular circumstances of malice which this witness entertained against him. He replied that he did not know him, therefore could specify no circumstances from which the proposed witness might have entertained malice against him; but the fact that he had so expressed himself, was certain and true, and if permitted, he would immediately substantiate what he had asserted, by the most convincing proof.

The objection was repelled. The Court observed, that witnesses might be averse to bear testimony. That for this purpose they might make similar assertions in order to disqualify themselves. That if, upon objections of this kind, they were to be cast, the ends of public justice might be defeated; besides, it was observed, that the witness would be purged of malice upon oath.

The objection was overruled, and the witness was adduced.

Alexander Johnston depones, That he was present at a meeting in Kirkintilloch, sometime in the month of November last, but does not remember the day. That the Meeting had then no name, but has been since known by the name of a Reform Meeting. Mr. Muir was present, who harangued the meeting. As far as he recollects, Mr. Muir addressed the President; stated the disadvantages in the representation, some boroughs being rotten, others having no vote. He stated the population of England and Scotland, and mentioned, that, from the smallness of the number who voted, the people were not fully represented. Mr. Muir said, that if a man paid £20,000 for a seat in Parliament, he behoved to derive some interest from his seat, and he referred to the people, whether it was reasonable that a man should pay so much for a seat in Parliament, without deriving some emolument in return. That the Duke of Richmond had complained of this, and had

£30,000.—He was silent.—That Mr. Muir compared our Constitution with the French, and said, that beyond a doubt they would be successful. That they were more equally represented, and their taxes much less. That two-thirds of the French national debt was already paid. That a manufacturer in this country could not bring his goods to market with the same advantage as the French manufacturers; of course, we should lose our trade. Mr. Muir said, the Society ought to be acquainted with the principles of those members they admitted. That the sole intention of these Societies was to procure a more equal and a shorter duration of Parliament. That the means these Societies were to use, for these ends, was to petition Parliament, and to communicate their resolutions, and extend their knowledge, by publishing and circulating useful publications. That in order to obtain that knowledge, they ought to get all political pamphlets from a neighbouring bookseller; but he did not mention any pamphlet in particular.

Upon the interrogatory of the SOLICITOR-GENERAL, deponed, That nothing was said about a King, but that the Constitution ought to consist of King, Lords, and Commons. There was mention made of Paine's Rights of Man, but not by Mr. Muir. One man in the Society, not in a public manner, but to his neighbour privately, said he had read that work. The most of the members were young weavers, from eighteen to twenty years of age. He knew of no previous meeting at Kirkintilloch, this one being the constituting one. Mr. Muir did not come into the meeting till after it was constituted, but had promised in the morning to be there. He seemed to be the principal man in that society, and said he belonged to other societies of the same sort: he recommended a timely accomplishment of the business, in order that, when the different meetings had communicated with each other, they might lay it before Parliament. At the time he recommended the above measure, some of the members wished to form meetings. Being interrogated by Mr. Muir, he deponed, that Mr. Muir did recommend peace and regularity to the meeting, and observed that any tumult or disorder would ruin their common cause. He told the meeting, that there was no other mode of procuring redress, but by applying to Parliament; and he recommended to the meeting to beware of admitting immoral characters as members.

Robert Weddel, Weaver in Kirkintil-

silent.—That Mr. Constitution with the that beyond a doubt ful. That they were mented, and their taxes ro-thirds of the French already paid. That a is country could not market with the same rench manufacturers; d lose our trade. Mr. y ought to be acquaint- les of those members at the sole intention was to procure a more uration of Parliament. ese Societies were to was to petiti n Parlia- nunicate the r resolu- ir knowledge, by pub- ng useful publications, obtain that knowledge, all political pamphlets ng bookseller; but he ny pamphlet in parti-

gatory of the SOLIC- poned, That nothing ing, but that the Con- sist of King, Lords, ere was mention made f Man, but not by Mr. n the Society, not in a t to his neighbour pri- read that work. The rs were young weavers, enty years of age. He us meeting at Kirkin- being the constituting id not come into the it was constituted, but e morning to be there. e principal man in that e belonged to other so- sort: he recommended shment of the business, n the different meetings d with each other, they e Parliament. At the ended the above mea- members wished to form y interrogated by Mr. , that Mr. Muir did re- and regularity to the erved that any tumult or in their common cause. ing, that there was no ccurring redress, but by ament; and he recom- mending to beware of ad- characters as members. Weaver in Kirkintil-

loch, depones, That he remembers a meeting in Kirkintilloch, about the beginning of November last, which was called the meeting of the Friends of the People, or, for a Parliamentary Reform; that Mr. Muir was at this meeting, which was the constituting meeting, came in after the meeting began, and made a speech, in which he advised regularity in their proceedings; and mentioned that they ought to proceed in a constitutional manner, as the law now is, by King, Lords, and Commons. He said nothing about the expense of a king, nor the burden of taxes, nor the comparative expense of the French government; nor did he mention the success of their arms. He spoke about ten minutes. After the meeting broke up, the witness met Mr. Muir, with some others, in Mr. Wallace's, baker in Kirkintilloch, where the conversation was about the politics of the country; there were about eight persons in Mr. Wallace's, or one-fourth of the number that was at the meeting. The witness was vice-president of the meeting, Mr. Freeland was president, and James Boird was secretary; there were no other officers, and all these were with Mr. Muir in Wallace's. He does not remember the particulars of the conversation, but Flower on the French Constitution was mentioned, which he never before had heard of. He thinks it was Mr. Muir that mentioned this book, in speaking of new publications, and he remembers books being spoken of. Depones, That, at the meeting, one Boyd asked Mr. Muir's opinion about Paine's Works, when Mr. Muir said, that it was foreign to their purpose. He remembers this, because he was angry at the question being asked.

Upon the Lord Advocate's interrogatory, Whether Flower's book had been recommended? Mr. Muir objected to the question. The witness was removed.

Mr. Muir.—There is no accusation brought against this book in the libel. Let it be admitted that this book is of a seditious and treasonable nature, yet, as I am not accused of either recommending or circulating it, how can any thing under this indictment, concerning it, be adduced in evidence against me? I plead upon a great principle of natural justice: I look forward to other times, and I tremble for the precedent. If this were not the case, I would not say that I merely approved of that book of Mr. Flower's, but, in this great audience, I would recommend its principles, in general, to every man who valued the interests of his country and

whose feelings interest him in the happiness of human kind.

LORD ADVOCATE.—The charge against the pannel is sedition, and it is branched out under various heads. One of these was, advising people to purchase seditious books; and he was entitled to examine as to such facts, though every particular book or fact was not condescended on in the libel.

Mr. Muir.—Neither in justice nor in law has the Public Prosecutor a right to bring against me a general charge. Every criminal charge, upon the facts, must be special, in order that the pannel may know the crime that is alleged against him, and accordingly prepare the special matter of his defence.

LORD JUSTICE CLERK.—By the statute of James VI. wherever art and part is libelled, there can be no objection to the generality. This is a proper question; and it has a tendency to establish the major proposition, and it ought to be sustained.

The Lord Advocate gave up the question.

The witness was again called in, and deponed, That he knows of no books having been recommended to be purchased in consequence of this meeting, except Henry's History of England. The books purchased by the witness for the society or others, were three or four copies of the Political Progress; three or four copies of the Paisley Declaration, one copy for his own use and one for the society: that he was not ordered by the meeting to buy them, but bought them for his own use, and to show his neighbours. He never purchased any of Paine's pamphlets, but he got a copy of that pamphlet he does not know from whom, and which happened some time before the meeting. He never saw the Dialogue between the Governors and the Governed. He saw the Patriot, and was shewn it by Mr. William Muir.—Upon being interrogated by the pannel, depones, that he recommended Henry's History, but no other book: that he recommended order and regularity; and upon the Solicitor-General's interrogatory, depones, that Mr. Muir particularly said, that they would be the more successful the more they were constitutional: that their end was to obtain a more equal representation in Parliament: that the witness meant by that a more equal representation, but he does not know the precise terms: that he cannot say more, but there were different opinions in the society; one part of them

wanting it confined to the landed interest; another to have it that every man should have a vote, but Mr. Muir gave no opinion.—Upon Mr. Muir's interrogatory, depones, that Mr. Muir recommended to avoid riot, and said, that tumult would ruin the cause; he also advised them to take care of the moral character of the members whom they admitted. He does not remember whether Mr. Muir said he would desert them if they became unconstitutional; and he does not remember that he recommended them to purchase any other book than Henry's History of England.

Rev. James Lapslie, Minister of Campsie.—The Public Prosecutor next adduced as a witness Mr. Lapslie.

Mr. Muir.—Let this witness be removed: I have many objections to state against him.

Mr. Lapslie was accordingly removed.

Mr. Muir.—I have said that I have many objections to state, both to the admissibility and credibility of this witness. My delicacy with regard to that man, will, at present, permit me to adduce the least weighty only; for I mean to prove the most important, in a different shape, in a criminal prosecution against him, when he and I shall exchange places at this bar. I know not what title this reverend gentleman has to act as an agent for the Crown; but this I offer to prove, that he assisted the messengers of the law in exploring and citing witnesses against me; that he attended the sheriffs in their different visits to the parishes of Campsie and Kirkintilloch: that, previously to the precognition, he conversed with the witnesses of the Crown: that he attended their precognition, put questions to them, and took down notes; nay, more, that, without being cited by the Prosecutor, he offered himself ultroneously against me, and insisted that his declaration should be taken in the unusual form, with his oath attending it, to attest its truth. Upon other matters I shall not dwell; it is sufficient for me to say, that this witness attended the precognition of other witnesses. The uniform and the late decisions of your Lordships have sustained this objection; the witness therefore cannot be examined.

The LORD ADVOCATE said, that he knew the Court had sustained the objection in many late cases. He would not dispute the point of law at present, afterwards, indeed, he might upon some future occasion, but consented that Mr. Muir should be allowed to prove the first part

of his objection, of Mr. Lapslie's activity as an agent in collecting evidence against him.

In proof of the objection Mr. Muir called

Henry Freeland, Weaver in Kirkintilloch.—Depones, that he knows Mr. Honeyman, (Sheriff of Lanarkshire), and saw him at Kirkintilloch, in company with Mr. Lapslie and another gentleman, a writer in Glasgow. Mr. Honeyman examined the witness about Mr. Muir; and, during the precognition, Mr. Lapslie also put questions to the witness. He asked him, if he had got a college education, which being answered in the negative, Mr. Lapslie said he was a clever fellow, and when he saw him write, he said it was a pity such a clever fellow should be a weaver, and that it was in Mr. Honeyman's power to procure him a birth, which was said in presence of Mr. Honeyman. That when Mr. Honeyman examined him about how often Mr. Muir had been at Kirkintilloch meetings, Mr. Lapslie also asked him if Mr. Muir had been more than once there. That on the above occasion, when Mr. Lapslie praised the witness's abilities, the witness answered, that it was flattery, when Mr. Lapslie clapped him on the shoulder, and said it was no such thing, but that it was probable Mr. Honeyman would see him again.

Mr. Muir then called

Robert Henry, Engraver, Kincaid Printfield, who deponed, that he was examined by Mr. Honeyman about Mr. Muir: that Mr. Lapslie was present all the time he was so examined.

Robert McKintley, Print-cutter, near Paisley, was then called, who deponed, that he was examined at Campsie by Mr. Honeyman, in presence of Mr. Lapslie and Mr. Shiels. Mr. Lapslie spoke to the witness before the examination, and told him to speak the whole truth, and frequently exhorted him, during the examination, to tell every thing as it concerned Mr. Muir, and not him, the witness.

Mr. Muir proceeded to call *James M'Gibbon*, when the Lord Advocate gave up Mr. Lapslie's evidence; consequently there no longer remained any necessity to examine more witnesses, with regard to the conduct of that gentleman. The Prosecutor said, that he gave up Mr. Lapslie as a witness, not on the ground of his being present at the precognitions, but because he appeared, if not an agent, at least to have taken an active part in the business.

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the objection Mr. Muir

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The evidence for the Crown then pro-
ceeded.

Henry Freeland.—When this witness
appeared, Mr. Muir observed, that the
Jury would remember, that from what this
witness had already deponed, it would ap-
pear that he had got the promise of a good
deed.—The witness being examined, de-
pones, that he was present at a meeting
in Kirkintilloch, which was called a So-
ciety for Reform, on the 3d November
last. He was President that night, and
sat in the Chair. Mr. Muir was there,
and made a speech of about a quarter of
an hour. The general purport of the
speech was about shortening the duration
of Parliament, and a more equal repre-
sentation. He thought the taxes might
be lessened by these means: that the Re-
form was not to take effect as to the King
and House of Lords, but only of the Com-
mons. He mentioned the success of the
French arms, and that liberty would be
established in France. He spoke of books
in general, but he does not recollect the
name of any being mentioned but Henry's
History of England; in general it was po-
litical books. The books this witness re-
members to have seen, are the Proceed-
ings of the Westminster Association, the
Patriot, and Paisley Declaration. It had
been suggested by one Boyd to purchase
Paine, but Mr. Muir shook his head, and
said it was foreign to the purpose: that
the witness sometime before this spoke to
Mr. Muir about Paine's book, and asked
it as a favour to get the loan of it, and
Mr. Muir bid him search his great-coat
pocket, and he would get it, and that he
got it accordingly: that this was on the
Tuesday, eight days before the meeting,
at which time Mr. Muir had sent for him
to Mr. Wallace's, and told him that he had
heard of the intended society, and that
the witness was to be a member; and that
Mr. Muir and the witness afterwards talked
of societies in general: that the witness
took Paine home with him, and read it,
and gave it to his sister: that he gave it
to one Scott, and also to one Stewart, who
had sought it several times, and was angry
he had not got it sooner: that Mr. Muir
said, when the witness first asked the book
from him, that he thought it had a ten-
dency to mislead the people, and that no-
thing further passed in respect to it; and
that he has concealed nothing: that he
was surprised Mr. Muir did not recom-
mend it, because every body else spoke
well of it, and was surprised that Mr. Muir
said it had a bad tendency: that Mr. Muir
did not approve of the book, but, on the

contrary, said it had a bad tendency: that
he knows no particular reason for his being
sent for: that he knows books were bought
for the society; and that he wrote to Mr.
Muir, saying, that the books then in circu-
lation gave satisfaction; that he received a
letter from Mr. Muir, telling that Mr. Pro-
van's cause had been decided in the Court
of Session: that he got two letters from Mr.
Muir, in which he desired the witness to
impress the society with the importance
of sending a delegate to the Convention,
and hoped to see him there, but said no-
thing about the books: that the Paisley
Declaration, purchased for the society, was
not recommended by any particular per-
son: that the book before mentioned was
afterwards given up by the witness to the
Sheriff; and the book being shown to him,
he thinks it the same: that he cut up the
leaves: that the witness first mentioned
the book to Mr. Muir: that there were
two pamphlets in Mr. Muir's pocket. Up-
on Mr. Muir's interrogatory—depones,
there was an intention of having this so-
ciety long before the witness saw him:
that Mr. Wallace, at whose house there
was an adjournment from the meeting as
aforesaid, was an old servant of Mr. Muir's
father, and Kirkintilloch is within four
miles of Huntershill, his father's house:
that he did not recommend any other
book than Henry's History of England:
that he told them all riot would be ruin
to the cause, and recommended them to
be constitutional and regular: that the
people were to petition Parliament, and
that there was no other way of getting a
Reform. That on Paine being recom-
mended in the Society, Mr. Muir said it
was foreign to the subject: that the wit-
ness having heard that a Proclamation of
the King was against the book, he was
upon that account curious to see it, and
he first spoke of it to Mr. Muir.

*William Muir, Weaver in Kirkintil-
loch.*—When the oath was proposed to
be administered to this witness, he re-
fused to swear, as being contrary to
his religious principles. Being asked
what these principles were, he declared
he was one of those who are called Moun-
tainmen: that he had no objections to
be examined: that he would tell the
whole truth, but could not wrong his own
conscience by taking an oath, which he
thought unlawful.

The Court observed to him, that if he
would not swear, no other alternative re-
mained to them, but to commit him to
prison; that there was no way by which
he could ever obtain his liberation, and

that his imprisonment would be perpetual. He replied, that he could not help it, and that he knew the Lord was present in prison, as well as present any where else.

The Judges asked him, if he believed in the Bible? to which he answered, he did. He was then interrogated, if he could point out any particular passage which taught him the unlawfulness of taking an oath. In order to remove his scruples they quoted several passages from the Bible, but he still adhered to his first declaration, saying, that he could not take the oath without deserting his principles, which he was determined never to do.

The LORD ADVOCATE moved, that this person should be committed to prison for his contumacy, and in express words, informed him there was no way by which he could ever be set free; that, in short, "his imprisonment would be eternal!"

MR. MUIR.—I believe this person to be a good and conscientious man. Whether he be right or wrong in refusing to take this oath, is not an object of my inquiry. He is adduced as a witness by the Prosecutor against me. I have therefore the most material interest that he should be sworn, but rather than he should suffer for acting according to the dictates of his conscience, I waive my right, and I will admit every word which he utters, although not upon oath, to be as true as if it were.

The Court observed, that neither they, nor the jury, could listen to any evidence but what was given upon oath. The law expressly required it, and it could not be dispensed with, and that the Prosecutor and public justice was concerned in this matter also.

William Muir persisted in his refusal. The Court committed him to prison, declaring they knew no mode by which, by the law of Scotland, he could be liberated. By the officers of Court he was conducted to prison with the utmost composure.

John Brown, Weaver at Lennoxton, Campsie, depones, That he was present at a meeting at Campsie, about the month of October or November last: that Mr. Muir and Mr. Buchanan both spoke at that meeting: that he also was at a meeting in Kirkintilloch: that he does not understand these meetings were called by Mr. Muir: that he has bought Paine's book, but does not recollect whether he did so before or after the meeting: that he bought it merely from curiosity, seeing the title in a window: that he does not remember whether or not that book was mentioned at the meeting: that he does not recollect Mr. Muir mentioning

France: that the tenor of Mr. Muir's speech was to inculcate upon them the necessity of sobriety, to pursue constitutional measures, and to read constitutional books: that there were no books in the meeting, and that at a conversation he heard Mr. Muir say, that Paine's book was not a constitutional book, and would not do.

Anne Fisher depones, that she was sometime servant to Mr. Muir's father; she knows, about the time libelled, Mr. Muir was much busied about reading and writing, but does not know the subject: that she was sent to Mr. Mennons with a message from Mr. Muir, and with a paper, which she thinks was entitled a Declaration of Rights, which had not been printed as he wanted, and to get it corrected. She saw at that time, a good many country people coming about Mr. Muir's father's shop: that Mr. Muir has frequently said to these country people, that Mr. Paine's book was a good book: that she has frequently bought this book for people in the shop, and that this was sometimes at the desire of Mr. Muir, and sometimes at that of these people. She bought both the first and second part of Paine, at different times, and when she returned with them, she sometimes laid them on the table, and sometimes gave them to the people: that she bought two different parts at different times, for Alexander Muir, Mr. Muir's uncle. She was sent for a copy by Mr. John Muir, hatter, but is not sure whether or not she got it. That John Muir was much pressed upon by the pannel to purchase the book: that, to the best of her remembrance, she bought one for one Barclay: that she knows Mr. Muir's hair-dresser, Thomas Wilson, and she has heard Mr. Muir advising him to buy Paine's Rights of Man, and to keep them in his shop to enlighten the people, as it confuted Mr. Burke entirely: she read this book herself, and got it in her master's house: that she has seen one copy on fine paper, and one or two coarse ones: that, to the best of her remembrance, she has seen the Paisley Declaration on Mr. Muir's table, and sometimes in the dining-room: that she thinks she has seen the Dialogue in Mr. Muir's room, and has heard him read it, in presence of his mother, sister, and others, in his father's back shop: that Mr. Muir said, it was very clever, and wrote by one Volney,* one of the first wits in France: that she does not remember

* Volney.

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Volney.

to have seen the Patriot: that she thinks she has heard part of the Paisley Declaration read by Mr. Muir in the said back shop, in presence of somebody, that being the common place where he read these books: that she has been sent from the back shop, up stairs for some books: that she does not recollect whether he thus read these books on a market day; and that she has known him read some French law books: that she has heard him speak about Reform and members of Parliament: that if every body had a vote, he would be made member for Calder: that members of Parliament were to have thirty or forty shillings a-day; and that, in that case, there would be none but honest men to keep the Constitution clear: that she has heard it said, by Mr. Muir, that France was the most flourishing nation in the world, as they had abolished tyranny and got a free government; that she heard him say the Constitution of this country was very good, but that many abuses had crept in which required a thorough Reform: that the courts of law required Reform also, for they got their money for doing nothing but pronouncing sentence of death upon poor creatures; and that it was an useless parade of their coming in to Glasgow: that she recollects, about that time, of Mr. Muir being Counsel for two soldiers; at their trial she heard him say, that he told the Judges and the Jury, as much as what they had to expect.

Mr. Muir arose, and made a motion for the witness to withdraw.

Mr. Muir then said, that the conduct of the Lord Advocate was, in every respect, highly reprehensible. He has put a variety of questions to witnesses with regard to crimes of which I am not accused. The indictment charges me with making seditious speeches at Kirkintilloch and at Campsie, vilifying the Constitution and the King, and inflaming the minds of the people to rebellion. It charges me with distributing seditious books; and it specifies that I gave away Mr. Paine's Works, some Nos. of the Patriot, the Dialogue by Volney betwixt the Governors and the Governed, the Paisley Declaration of Rights, and of having read in the Convention the Address from the Society of United Irishmen in Dublin. The indictment charges nothing more; there is not a single letter within its four corners which points out to me the charge of speaking disrespectfully of courts of justice, tending, in any manner, to excite the people against the administration of the law.—

Compared to a crime of this nature, the giving away to single individuals, single copies of books and pamphlets, which may be esteemed seditious, is a trifle, light as air. If the Public Prosecutor had evidence that I was guilty of this crime, he was deficient in his duty to the public, in not making it an article of accusation. He should have manfully, in the light, brought it forward against me, joined a fair issue betwixt us, and then I would have defended myself the best way I could. But to attempt to steal it in as evidence in this way, to prove a crime which he durst not openly libel, because he knew it could not be supported, merits the severest reprobation. But what is the tendency of this little art? This domestic and well-tutored spy is brought to prove words which may irritate your minds against me. Yes, this is the artifice, this is its object, but your justice will render it ineffectual. You will feel the same contempt which I do. Let us pass from that—I contend upon the great principle of natural justice, upon the constitutional law of this country, that no person can be tried for a crime of which he has not been previously accused. What is the purpose of an indictment, but to specify the crimes which are to be proved, in order that the pannel may have an opportunity to prepare his defence? Why is the indictment served upon him fifteen days before the trial, but to enable him to accomplish this purpose? It is vain to say, that under the general charge of sedition, every thing tending to prove it can be adduced, although not specially mentioned. If this is now to be adopted as law, what portion remains to us of our national liberties is for ever torn away. Every thing is insecure; an indictment will no longer be regarded but as a piece of unmeaning paper. The unfortunate man who receives it may say, I am charged with robbery. I have many witnesses to prove I did not perpetrate this crime, but what avails preparing a defence? Not a single witness may perhaps be adduced against me for that offence. I may never hear a word of it in court, but I may be instantly called upon to defend myself against a charge of murder, of sedition, or of high treason. In short, if, under the specious pretence of being allowed to introduce what is not specified in the libel to support its generality, you establish a precedent of this kind, you strike the fatal blow against individual security, and of general safety. What has been called the criminal law of this country, its forms, its precedents, and

its principles, are for ever gone. It is vain to say that the statute of James VI. allows this proceeding. That statute is now obsolete. By the law of Scotland, it has gone into desuetude. It was enacted under a despotic reign, when the freedom of Scotland was trampled under the foot of power. It opposes every principle of justice; and will you, after the lapse of so many years, descend into the grave, and drag up the pestilential carcase, in order that it may poison the political atmosphere?—One word more upon this subject:—The charge against me is sedition. That crime, from its very nature, supposes, and, in fact, it has often happened, that it may be attended by rapine, and by murder. If, therefore, under the generality, you allow a charge of vilifying the Courts of Justice, which I never heard of before, you must, by the same parity of reasoning, allow a charge of plunder, equally unheard of, to be adduced as an aggravation of the general crime of sedition.

This question is of little importance to the individual who is now struggling for the liberties of his country. But the eyes of your children will be fixed upon this trial, and they will tremble and shudder at the precedent! I feel for the country, —I feel for posterity,—I will not sanction the procedure which is to produce to both a system of injustice, of ruin, and of murder!

LORD ADVOCATE said,—Mr. Muir is indicted for the crime of sedition, and that crime may consist of many facts and circumstances, and of these the strongest must be, feloniously and seditiously stirring up the inhabitants against a lawful King and a good Constitution: that, to prove this, he was entitled to bring in evidence every word of any conversation which might have passed betwixt Mr. Muir and ignorant people; every paper, every fact, and every witness which could be got: that no person could deny the relevancy of the fact, viz. the abusing and vilifying the courts of justice to be an aggravation of the crime of sedition; it is that crime of which the pannel is accused, and he certainly would be permitted to bring forward every thing which could support the charge. If it had been necessary to specify, in the indictment, all the facts against the pannel, that indictment would have covered, by its magnitude, the walls of that Court.

MR. MUIR.—This is not the time to entertain your Lordships with frothy declamation, with sounding, but unmeaning

periods. I pleaded upon just principles; every person here must see their strength, and must admit their truth.—If these are given up, if these are violated, PROPERTY, and LIBERTY, and LIFE, are insecure. Once more; can the Lord Advocate himself say, that if he was to bring the general charge of murder against me, and should specify that I had murdered James, would he be allowed to prove, under the generality, that I had murdered John? Can there be any thing more plain, more just, and which requires less argument than the simple proposition which I support? That if you accuse a man of a crime, you must tell him what that crime is, in order that he may be able to defend himself against the accusation. Particular acts must be specified, in order that the pannel may be able to prove, that either these acts in themselves were innocent, or that he was not accessory to them. If you destroy this proposition, if you sanction the reverse, what remains to this country, but the melancholy prospect of ruin and despair?

LORD SWINTON was of opinion, that reflecting on Courts of Justice was included under the general charge of sedition, and that the objection was groundless.

LORD DUNNINAN concurred with Lord Swinton, and declared, that the various circumstances which may come out in evidence need not be specified.

LORD ABERCROMBY could not entertain the smallest doubt of there being a necessity for specifying in the libel, every seditious expression that might have been used.

LORD JUSTICE CLERK was clearly of opinion, that when one crime is charged, another, and a different one, cannot be proved under that libel. This none can dispute. But was that the case here? The pannel is accused of sedition; and will any person say, that it is not a circumstance of sedition, for the pannel to have inflamed the minds of the people against Courts of Justice, so important, and so material a branch of the Constitution? Under the statute of King James, wherever art and part is libelled, the Prosecutor can prove every fact and circumstance, and no objection of generality is admitted.

The objection was overruled. The witness was called back, who deposed, that she had heard Mr. Muir say, that a monarchical government would be the best in this country, under proper restrictions; but that republican governments were the best: that she has been sent

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by Mr. Muir to an organist in the streets
of Glasgow, and desired him to play *sa tra*.

Mr. Muir was asked if he had any
questions to put to this witness. He re-
plied, "I disdain to put a question to a wit-
ness of this description." The witness
turned round to Mr. Muir, and said she
wished to ask him one question. This
the Lord Justice Clerk would not permit,
as he would suffer no altercation of that
kind. The Court expressed their strong-
est disapprobation of the terms which Mr.
Muir had used; and Lord Henderland
said, that if Mr. Muir had been acting as
a counsel at the bar, instead of being in
that situation, he would immediately have
sent him to prison for it. The conduct
and the accuracy of this witness was much
applauded by the Court.

As the witness was withdrawing, a Jury-
man called her back, and asked her, if she
had had any quarrel in Mr. Muir's father's
family, to which she replied, that so far
from that, her mistress had given her 5s.
more than her wages, which were at her
option, and that Miss Muir had given her
a petticoat, with some other presents.

Thomas Wilson, Barber in Glasgow,
depones, that the witness was in use to
dress Mr. Muir, and dressed him in
autumn last: that Mr. Muir having asked
the witness if he had bought Paine's
works; on being told that he had not, he
advised him to get a copy, as a barber's
shop was a good place to read, but he
did not buy it. That he bought a copy
of the Address to the Addressors, and
kept it a day or two, but this was not
by Mr. Muir's advice. That he remem-
bers an old man from the country coming
to Mr. Muir, when he was dressing him,
and Mr. Muir told the witness, that the
old man was a great reformer. Upon
which the old man replied, that Mr. Muir
was only taunting him.

Upon being interrogated by Mr. Muir,
depones, that he has heard Mr. Muir say,
that he would maintain the Constitution;
that he wished for peace and good order,
and good morals among the people; and
that he never heard him say any thing
against the King: that he has seen Mr.
Muir's library in the country, which is
a large room open to all the family.

The LORD ADVOCATE stated to the
Court, that he was informed that William
Muir, the person committed to prison,
was a parishioner of the Rev. Mr. Dunn's,
minister of Kirkintilloch, one of the wit-
nesses inclosed against the panel. That
if Mr. Dunn was allowed to converse with
him, he might remove his error, and pre-

serve him from suffering the dreadful
punishment due to his obstinacy. He
therefore moved their Lordships to allow
Mr. Dunn to converse with William Muir
for the purpose.

Mr. Muir opposed the motion.—He
said, he had already consented, and would
still consent to admit the declaration of
William Muir against him to be true, al-
though not accompanied by an oath. To
prevent the witness from suffering any
punishment, he would surrender the right
which the law gave him; but, that he cer-
tainly would object to conversation be-
twixt that witness and Mr. Dunn: not
that he suspected any thing improper to
take place in that conversation, but that
this was a great and important cause; a
trial that might create precedents danger-
ous to those who might come after. By
the law of Scotland all witnesses must be
examined apart from each other. The
law is jealous of their conversation: the
law dreads their collusion, in framing to-
gether a consistent story. If, in this case,
you allow Mr. Dunn and the witness, of
both of whom I have no suspicion, to con-
verse together, you cannot refuse it to
others. It will be sufficient for two wit-
nesses, who may have an interest in a trial,
to play the same concerted game, in or-
der to tell the same concerted story with
more accuracy, and with greater safety.

The LORD ADVOCATE declared, that
he would depart from Mr. Dunn as a wit-
ness, and that the conversation should
proceed in the presence of an officer of
the Court, or of some person on the part
of Mr. Muir.

Mr. Dunn was called in. He was or-
dered to converse with the witness in pre-
sence of one of the macers; enjoined not
to speak on the subject of the trial, but
solely about the witness's scruples to take
the oath.

John Muir, Hat-manufacturer in Glas-
gow, deponed, that he knew Mr. James
Muir's father; and that he saw Mr.
Muir at his house in September; that
Mr. Muir and he had a conversation
about Mr. Paine's book; when he asked
Mr. Muir, as a favour, to get him it;
when Mr. Muir said, he had it not, but
would send for it; and that a servant girl
was accordingly sent for it, and said she
had purchased it at Brash and Reid's,
booksellers, in Glasgow; that he read
it, and took it home with him, but that he
would not have bought it, if he could have
got the loan of it.

John Barclay, of Calder, deponed, that
he is acquainted with Mr. Muir; that he

had a conversation with Mr. Muir about Paine's book: that he asked Mr. Muir what book it was, when he answered, that he might buy it, if he chose, as it was printed; but afterwards said it was not a book for us.

Upon Mr. Muir's interrogation, deponed, that he is an elder of the parish of Calder, and that he voted on the same side with Mr. Muir, in the election of a minister: that, in consequence of this, he was frequently with Mr. Muir; and, in his library, from which he borrowed some books; that he had many conversations with Mr. Muir, and heard him say, that this Constitution was an excellent one, and the best in the world; that he has heard him praise the King, and always heard him speak of order, regularity, and obedience to the ruling powers; that he called upon Mr. Muir since he came to Scotland, who sent down a message that he could not see him, as he would have no correspondence with any who might be cited against him as witnesses on this trial, until it was finished.

James Campbell, W. S. deponed, that he was present at a meeting of the Convention; that he called there on his way home from the Parliament-house; that Mr. Muir was not there, but came in soon after, and read a paper, which, being shewn to him, he admitted to be the same with the Address from the Society of United Irishmen of Dublin; that Colonel Dalrymple opposed the paper being read, and talked of taking a protest; that, after Mr. Muir read it, he said nothing more; but, before he read it, he spoke of answering it; but, in this, there was no vote taken; that he does not know how the paper came, and that a copy was afterwards sent him in a blank cover. Being interrogated whether the purport of Mr. Muir's speeches approved or not of this paper, says, he knows nothing more than that he proposed its being read and answered. Depones, that it was assigned as a reason for not receiving the Address, that they had no connection with it; that Mr. Muir thought there was no impropriety in receiving and answering it, and would take the burden on his own shoulders.

James Denholm, Writer, Edinburgh, deponed, that he was present at a meeting of the Convention in December; that Mr. Muir was there, and he heard him read that paper, called the *Irish Address*: that objections were made to its being read, and Mr. Muir answered, that he saw no harm in it. Colonel Dalrymple protested, and he believes Mr. Bell did so also; but he does

not remember Mr. Northland being there; that he thought it possible it might be illegal; that he saw it on the table, but does not know whether Mr. Muir brought it or not; that he understood that Mr. Muir moved, that an answer should be sent; that this was dissented to, but he does not recollect for what reason, and he thinks that it carried, *Not to be sent*. The Address being shewn to him, he admitted it to be the same which he had formerly signed.

Being interrogated by Mr. Muir, deponed, that he never heard him say any thing unconstitutional; that the purpose of the Association was to get a Reform in Parliament; that he knows of no other object, but that he understood their object was an alteration, and that he was not a member of the Convention.

Robert Forsyth, Advocate, deponed, that he was present at a meeting of the Convention; that Mr. Muir was there, and read a printed paper; that there were some objections made to the reading of it; that the witness himself made one, which was, "that it was not expedient to have any connection with others;" that it was a paper which we ought not to have any thing to do with; that it was a paper containing some expressions too strong, such as, "an inviolable constitution was a tyranny;" that Mr. Muir defended the paper, and said, it should lie upon the table.

Upon Mr. Muir's interrogatories, the witness thinks the Convention came to a resolution to adhere to the genuine principles of the Constitution; that the object was to reform the elections, and shorten the duration of Parliament; that Mr. Muir never advised any deviation from the Constitution; that he never heard him speak ill of the Constitution, but that he heard him advise order.

William Muir.—The scruples of this witness having been removed, he was brought to the bar, and consented to take the oath. Deponed, that he was twice present in Wallace's house in Kirkintilloch, once before the Society was formed, and once along with Mr. Muir; that Freeland was there, and Wallace; that, at this meeting, a copy of Paine's works was taken out of the great-coat pocket of Mr. Muir; that he does not remember what was said about the book; that he is not sure that Mr. Muir spoke of the will of the people being the sovereign will, but that it was said Paine said so; that he got eleven copies of the Patriot, and a copy of the Political Progress; that he got them from Mr. Muir in his father's

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house, at Huntershill, who bade him keep
them, and to shew them to a Society
he was in, which was a Society for
the purpose of purchasing and reading
books.

Being interrogated by Mr. Muir, de-
pones, that he does not remember to
have heard him speak against government;
that Mr. Muir did not advise unconstitu-
tional measures; that he heard him speak
about the government; that he heard him
tell how Old Sarum was represented.

The LORD ADVOCATE caused the sen-
tence of fugitation against Mr. Muir to be
read (which is annexed in the Appendix),
and afterwards proposed to prove the De-
clarations before the Sheriff, and the papers
that were found upon Mr. Muir when be-
fore the magistrate at Strathraer. In or-
der to save time and trouble, Mr. Muir
agreed to admit them without proof, but
under this express condition, that none
of these papers should be used in evidence
against him of any criminality.

If these papers, said Mr. Muir, had af-
forded any weighty discoveries of my
guilt, the indictment should have so stated.
It was impossible that these papers could
afford the smallest presumption against
me, and therefore there is not a single
article of the indictment alleged that
they were of a culpable tendency. It is
indeed asserted in the libel, that these
papers were found upon me; but that
they are of a felonious or a seditious ten-
dency, is no where set forth. In the con-
cluding proposition of the indictment, in
which the whole criminal charge is recap-
itulated, these papers are passed over in
silence. In proof of this, permit me to
read the conclusion:

"At least, times and places above men-
tioned, the said seditious speeches and
harangues were uttered, the said seditious
books or pamphlets recommended to be
purchased and perused, the said seditious
books or pamphlets circulated and distrib-
uted, as aforesaid, and the said wicked
and inflammatory address produced, read,
recommended, and approved of, in man-
ner above mentioned; and the said Tho-
mas Muir is guilty actor, or art and part,
of all and each, or one or other of the
foresaid crimes. All which, or part there-
of, being found proven, by the verdict of
an assize, before our Lord Justice Gen-
eral, Lord Justice Clerk, and Lords Com-
missioners of Justiciary, in a Court of
Justiciary to be holden by them within
the Criminal Court-house of Edinburgh,
the said Thomas Muir ought to be pun-
ished with the pains of law, to deter others

from committing the like crimes in all
time coming."

The LORD ADVOCATE, in reply, stated,
that he was entitled to bring forward every
circumstance which could criminate the
panel, although these circumstances
were only collateral, nor in issue or ne-
cessary in the conclusion.

[The Clerk of Court accordingly read
the declarations, the passports, and the
other papers, which are annexed in the
Appendix.]

When the Clerk of Court proceeded
to read the letter signed, J. Muir, the pan-
nel arose, and said, that he saw it was vain
for him to make any objection, however
strong it might be in law, it was sure to
be overruled; but every mind tinctured
with humanity would shrink at the wan-
ton disclosure of the anxiety, and the
grief of a private family, especially when
the Prosecutor had himself admitted, that
the papers which he had read and proposed
to read, were not necessary to the conclu-
sion of the libel.

The LORD ADVOCATE stated, that his
conduct proceeded from no ill-disposi-
tion; that the letters found upon Mr. Muir
would completely do away the assertion
of his anxiety to leave home, and prove
the guilt attending his flight.

I am convinced, said Mr. Muir, of the
reverse. I gladly join issue with the Pro-
secutor, and consent to these letters being
read.

After the papers subjoined in the Ap-
pendix had been read, the Lord Advocate
declared the proof finished on the part of
the Crown, and Mr. Muir commenced his
proof in exculpation.

Mr. Muir proceeded to adduce the
following evidence in support of his De-
fence.

William Shirving of Strathruddie, Se-
cretary to the British Convention, de-
pones, that it was thought proper that
Mr. Muir should attend a meeting of the
Friends of the People in London; that
on this account he left Edinburgh, and
went to London in January last; that he
received a letter from Mr. Muir, dated
from London, mentioning that he had
appeared in the Society at London, of
which Mr. Grey is a member, and giving
an account of what had been done there;
that owing to some late circumstances
which occurred in his family, he cannot
at present find Mr. Muir's letter, but that,
according to the best of his recollection,
he thinks, Mr. Muir wrote him, he was
advised by some friends to go to France,
as he might have some influence with the

leading people, in mitigating the fate of the King; that while Mr. Muir was at Paris, he received a letter from him, giving an account of the execution, and that Mr. Muir mentioned in that letter, that he would return as soon as his friends should be of opinion his presence was necessary in Scotland; that he has been frequently with Mr. Muir in private, and has often heard him speak in public, in the Societies; that he never heard him speak against the constitution, advised the people to disorder or sedition, but that he always inculcated upon them, that there was no other mode of obtaining the proposed reform than by applying to Parliament by respectful petitions; and that Mr. Muir never submitted to his consideration any plan of Government; that the general tenor of Mr. Muir's Address to the People in the Societies was to impress upon their minds the necessity of good order, and that before they attempted public reformation they should begin by reforming themselves; that he does not believe Mr. Muir is connected with any Society, abroad or at home, for the purpose of exciting sedition; that he never heard Mr. Muir speak against the monarchical part of our constitution, and that he has been in his company in his most unguarded moments; that he remembers a private conversation with Mr. Muir, in which he disapproved of many of the principles in Paine's book, and both agreed that many of them were impracticable; that he was happy to find the pannel of this opinion, and he then told the pannel, that he had written on the subject, and proposed to give lectures on government; that Mr. Muir approved so much of the proposal, that he informed him that, for himself, he would dispose of eighty or a hundred tickets.

Upon the interrogation of the Lord Advocate, if he was not the person who had designed himself, on a late occasion, *Secretary-General* to the Association of the Friends of the People;—answered, that it was a mere mistake in writing out the Petition, for he was Secretary to the General Association of the Friends of the People.

Being interrogated by Mr. Muir, if he remembered the tenor of the answer which he proposed in the Convention to the Address of the Society of United Irishmen in Dublin, depones, that he cannot recollect.

James Campbell, W. S. depones, that in the beginning of last winter, he acted as agent for Mr. Muir; that while the pannel was in France, he received from

him two letters from Paris, which he produced, and likewise had received another from Calais, upon which at present he could not lay his hands. These two letters were read by the Clerk of Court, and are subjoined in the Appendix. They expressed Mr. Muir's willingness to return home whenever it should be necessary, but at the same time his regret for so soon leaving an amiable set of acquaintances, with whom his friendship was just commencing.

Upon the pannel's interrogation, he depones, that he never heard him attempt to excite the people of the Societies to sedition or outrage; that he exhorted them to avoid riotous conduct, to behave orderly, peaceably, and, above all, to attend to the moral characters of those whom they admitted members; that he also remembers Mr. Muir's opinion of Mr. Paine's book was, that it might be dangerous for people of weak minds.

John Buchanan, Baker, Edinburgh, depones, that he has often heard Mr. Muir speak in the Societies; that he never advised sedition, riot, insurrection, nor unconstitutional measures, but, that they should act peaceably and orderly; that he said, the constitution ought to direct all their applications to Parliament; and, that he used to say in conversation, that the constitution ought to be to us the polar star, and that we should begin our Reformation by first erecting among ourselves the temple of morality; that he had more sense than to think of procuring a redress of grievances by any other than constitutional measures; and that he does not remember of hearing him give any opinion upon Paine's books.

Captain William Johnstone, Edinburgh, depones, that the principles of Mr. Muir were firmly for supporting the constitution as it stood at present; and that all the other principles, held by him, grew out of this one; that Mr. Muir never advised tumult, but recommended sobriety, and said, that nothing would do but an application to Parliament by way of a petition; that it is inconsistent with his knowledge that Mr. Muir circulated any books or pamphlets; that while Mr. Muir was in France, he received from him one or two letters upon general subjects, but that he remembers Mr. Muir expressed in them his intention of returning home; that he had sought for these letters, but could not lay his hand upon them.

Maurice Thomson, Starch-maker, Edinburgh, depones, that he once heard Mr. Muir in a Society of the Friends of the

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them.

Starch-maker, Edin-
that he once heard Mr.
of the Friends of the

People deliver a speech, but does not re-
member much of it; that he heard him
speak about reform, measures which were
constitutional, and the necessity of being
moderate, and never heard him advise the
people to excite disturbances.

Charles Salter, Brewer, Edinburgh, de-
pones, that in Societies he has heard Mr.
Muir speak three or four times; that he
exhorted them to constitutional measures,
peace, and order.

Peter Wood, Teacher, Edinburgh, de-
pones, that he has heard the pannel speak
in Societies, and impress upon them the
necessity of petitioning the House of Com-
mons; that he never heard him speak
against the King or House of Lords; that
he never saw him distribute any books
or pamphlets; and that he heard him
say, no members should be admitted into
the Societies who were inclined to fac-
tion.

David Dale, Merchant, Glasgow, de-
pones, that he has seen Mr. Muir at the
Star Inn at Glasgow, in Meetings of the
Friends of the People; that he remembers
a motion was made, that books should be
recommended to the Society; that this
motion was opposed by Mr. Muir, who
argued, that most books were written too
much in the spirit of party; that no truth
could be got from them, and that the only
way to procure knowledge was by general
reading; that he advised the people to in-
form themselves on both sides of the ques-
tion;—to seek reform by measures calm
and constitutional; and that they had no
other mode of obtaining it than by peti-
tioning Parliament; that he never heard
him say any thing which had a tendency
to excite sedition; and that he always ad-
vised the people to be quiet and orderly;
that he never knew of his distributing
books, or recommending Paine's works;
and that he advised the Friends of the
People to expel any member who might
behave seditiously or disorderly.

Being interrogated by the Lord Advo-
cate, depones, that it was at a meeting of
the Friends of the People, at the Star Inn,
that he heard Mr. Muir oppose the re-
commending of particular books; that he
does not recollect the particular month
when this occurred.

Being interrogated, if he recollects
when Mr. Muir was first apprehended, de-
pones, he could not precisely. Being
asked, if he thought it was in the month
of January, or in any of the succeeding
months, depones, he could not be positive,
but thinks he might have heard it about
five months ago. Upon which the Pro-

secutor observed, he had a very short me-
mory; to which the witness assented.

William Riddell, Pastry-baker, Glas-
gow, depones, that Mr. Muir always ad-
vised peaceable and constitutional mea-
sures; that he does not remember of hear-
ing him recommend any books in parti-
cular; that he never saw any disorder in
the meetings of the Friends of the People,
and that he does not recollect Mr. Muir's
advising to petition Parliament.

William Reid, Bookseller, Glasgow,
depones, that he is a bookseller in Glas-
gow, and acts in the company under the
firm of Brash and Reid; that he remem-
bers to have asked Mr. Muir's opinion
about the propriety of selling Paine's book;
that Mr. Muir said it was an improper book,
and that in selling it there might be danger.

Upon the interrogatory of the Prosecu-
tor, depones, that Mr. Muir gave him this
advice a few days before Mr. Honeyman,
the Sheriff of the county, came to take
precognitions concerning that book.

George Waddel, Manufacturer, Glasgow,
depones, that he has been at meetings of
the Societies of the Friends of the People
in Glasgow; that at one of these meetings,
he remembers Col. M'Leod and Mr. Muir
being present; that when a motion was
made for recommending particular books,
both Col. M'Leod and Mr. Muir opposed
it, as in most books there was too great a
mixture of truth and falsehood; that the
only books which he remembers them to
have recommended, were, Blackstone's
Commentaries upon the Laws of Eng-
land, and Erskine's Institutes of the Laws
of Scotland; that Mr. Muir advised mo-
derate measures; that this was the conti-
nual subject of his discourse; that he said
he would glory to have the table of the
House of Commons covered with peti-
tions; that he spoke to Mr. Muir about
an address of congratulation to the French,
in imitation of Dundee, but that Mr. Muir
disapproved of it.

John Russel, Merchant, Glasgow.—Af-
ter this witness had been sworn, the com-
mon question was put to him, if any person
had instructed him what to say, he an-
swered, none, except to tell the truth.
Being asked who instructed him so; he
replied, he could point out no person in
particular, but that it was the general ad-
vice of all to whom he spoke. He was
obliged to produce his summons to be a
witness, and it appeared that the citation
had been given him four days only before
his examination. He was informed by
the Court, that any who spoke to him,
must have done so in the interval of these

four days, and that therefore it was impossible that he could forget all their names. The witness replied, that the general instruction to *speaking the truth* was so common, that he could not remember at present, any particular person who had given it.

The LORD ADVOCATE moved, that the witness should be committed to prison for provarication !

Mr. MUIR arose, and attempted to speak in defence of the witness, but as he was beginning, was interrupted by the Court, who commanded him to sit down, as he had no right or title to interfere in the business.

LORD HENDERLAND gave his opinion. Every appearance, said his Lordship, was against the witness, who wished to conceal the truth ; he merited punishment, and should be committed to prison.

The rest of the Judges concurred with Lord Henderland ; and Mr. Russel was committed to prison for three weeks, as guilty of concealing the truth upon oath !

John Brock, Manufacturer, Glasgow, depones, that he was at one meeting of the Friends of the People, in the Star Inn at Glasgow, where he heard Mr. Muir recommend adherence to the constitution, and to good order, and that he declared, he would leave the Friends of the People, if ever they should proceed to riotous measures ; that he has heard him speak of books of the Law, but cannot be positive to any in particular ; only, he thinks he remembers to have heard him mention a work of Mr. Locke's.

William Cliddesdale, Cabinet-maker, Glasgow, depones, that he never joined himself to any Society of the Friends of the People, but that he is a member of the Society in Glasgow, for the Reform of the Boroughs ; that about the 13th December last, Mr. Muir, when the witness was present, visited that Society, said that the Borough Reformers had made great exertions ; recommended to them perseverance, firmness, and measures which were peaceable ; that he did not exhort them to riot or insurrection ; that he remembers of hearing Mr. Muir observe, that some things in Paine's book were extremely good, and some things impracticable ; that he heard him run down Liberty and Equality, as it implied violation of property, and assigned, that a division of property was a chimera which never could exist.

George Bell, Manufacturer, Glasgow, depones, that in the Society of the Friends of the People at Glasgow, he has heard

Mr. Muir speak, and that he has heard him declare that he would admit no members into the Society, but such as acknowledged the King, House of Lords, and House of Commons ; that he never heard him speak against the constitution, and that he did not recommend any books in particular, but only such books in general as would inform their minds, and render them better members of Society.

Rev. Daniel M'Arthur, Master of the Grammar School, Glasgow, depones, that he remembers to have had a conversation with Mr. Muir in the Coffee-room at Glasgow, in the months of September or October last ; that he saw Mr. Muir and another gentleman walking together ; the gentleman having gone away, Mr. Muir came up to the witness, and said, that the person with whom he had been, was Chairman of the Society of the Friends of the People in Edinburgh ; that the witness said to Mr. Muir, do you not think this a wrong time for to insist for a Reform in Parliament ? To which Mr. Muir answered, that he thought it a proper time, as the country enjoyed the blessings of peace ; that there was no comparison betwixt this country and France ; that in France, they had sought a Revolution, and had brought it about, but that in Britain we wanted no Revolution, but only a moderate Reform.

James M'Gibbon, Kincaid Bleachfield, depones, that he was a member of the Society of Reform in Campsie ; that Mr. Muir came there, and that he did not recommend any books in particular, nor did he speak against the King, House of Lords, or House of Commons.

Robert Henry, Kincaid, depones, that he is a member of the same Society with the preceding witness ; that Mr. Muir came there : that he spoke of no books in particular, and heard him say nothing against the King, Lords, and Commons, but that he recommended peaceable measures.

The LORD ADVOCATE said, it was unnecessary for Mr. Muir to bring so many witnesses to prove the same thing.

Mr. MUIR replied, that he intended to bring witnesses from every part of the country where he had attended meetings for Reform, that he might clearly prove his innocency : he had only a few more witnesses to adduce.

William Orr, Manufacturer, Paisley, depones, that Mr. Muir and Colonel Dalrymple came to Paisley ; that in the company of the witness they visited, and addressed the different Societies of the

and that he has heard would admit no memory, but such as acknowledge the House of Lords, and that he never heard the constitution, and commend any books in such books in general to their minds, and render them of Society.

Arthur, Master of the Glasgow, depones, that he had a conversation in the Coffee-room at the end of September or the beginning of October, when he saw Mr. Muir and was walking together; the same day, Mr. Muir came away, Mr. Muir deposes, and said, that the king had been, was Chairman of the Friends of the People; that the witness does not think this to be the case, but he insists for a Reform which Mr. Muir brought it a proper time, and enjoyed the blessings of as no comparison between France; that in 1793, he sought a Revolution, about, but that in British Revolution, but only

Kincaid Bleachfield, deposes, that he was a member of the Glasgow in Paisley; that Mr. Muir deposed, that he did not recollect in particular, nor at the King, House of Commons.

Kincaid, deposes, that he was the same Society with the witness; that Mr. Muir deposed, that he spoke of no books, and heard him say nothing of the House of Lords, and Commons, and peaceable means.

Advocate said, it was unnecessary to bring so many witnesses to the same thing.

Advocate, that he intended to bring every part of the evidence and attended meetings, and might clearly prove that he had only a few more

Manufacturer, Paisley, Muir and Colonel Dalrymple; that in the course of the conversation they visited, and attended Societies of the

Friends of the People there; that Mr. Muir, in his speeches, inculcated a firm attachment to the king and constitution; that he recommended peace and regularity, and reprobated riot and sedition; that he exhorted the people to be steady, and to pursue their object by all legal means; that after having gone through the different societies, Mr. Muir, Colonel Dalrymple, and the witness, went to Sinclair's Inn, in Paisley; that in the course of private conversation, he heard Mr. Muir say nothing against the king and constitution, but that he heard him say, that the king was the best of princes.

James Craig, Manufacturer, Paisley, deposes, that in the societies of the Friends of the People in Paisley, he heard Mr. Muir declare, that the constitution was a good constitution, and that the king was the friend and father of his people.

James Richardson, Merchant, Glasgow, deposed, that he is a member of the same society of the Friends of the People in London of which Mr. Grey is a member; that he is not a member of any society of the Friends of the People in Scotland, but that he was present at a meeting of the Friends of the People in Glasgow, when he heard Mr. Muir exhort the people to keep by the constitution, and that if any of them were against it, they should be expelled; that in a masterly manner, he exposed Liberty and Equality, if it implied division of property, and that he said such a system was totally impracticable, and he used every argument to excite the people to keep to the old constitution.

Mr. Muir now declared, that he had finished the proof in exculpation; that it was in his power to adduce many more witnesses, but that he deemed it totally unnecessary.

The LORD ADVOCATE rose and addressed the Jury as follows:—

Gentlemen of the Jury,—I now require your most serious consideration of what has passed. The pannel at the bar is the man, as I shall afterward show you, that has been sowing the seeds of discontent and sedition under the specious pretext of reform. He has appeared here before you, after having been fugitive in this country, and now by your verdict, from which there is no appeal, either his guilt must be fixed or extinguished. Gentlemen, this is the moment which I have long and anxiously looked for; and I declare, that in the range of my official capacity, among the persons whom I have brought to this bar, if there has been any one whose ac-

tions particularly pointed him out for prosecution, whose conduct appeared the most criminal, who has betrayed the greatest appearance of guilt, this is the man.

Gentlemen, We all know the pernicious effects of the many instances of seditious writings and practices which have lately appeared in this country; and all those persons who have had the courage to come and stand a trial at this bar, have met with the same fate, they have all been found guilty. And I trust, that as the evidence has clearly unfolded the diabolical and mischievous conduct of this person, that he will receive a similar verdict.

Gentlemen, I could not have conceived that a man who has received a liberal education—who has practised as an advocate at this bar, should be found, on any occasion, among ignorant villagers, and low manufacturers, purposely to sow sedition among them.

The charge against the pannel divides itself into three distinct heads, which, however, all centre in one general charge of exciting sedition.

1st, That he circulated Paine's Rights of Man, to speak of which I think it unnecessary, after he himself considered this book "too dangerous to weak minds." Yet he has wilfully circulated this book in such a manner, as proves that his intention was to overturn our happy Constitution.

2dly, He has always been found, as I have stated, making seditious speeches and harangues among knots of ignorant labourers, and herds of poor manufacturers, whom, I am entitled to say, had it not been for him, would have remained peaceable and contented, and never thought of that incendiary, Paine, nor of forming meetings, till he, like the demon of sedition, stirred them up by forming clubs. The very attempt was the same which, in another country, has produced so much anarchy and confusion, and which no government could allow.

3dly, He was in a meeting, calling themselves a Convention of Delegates for obtaining Parliamentary Reform. Gentlemen, We all remember the transactions of last winter. It was then that sedition raised its hydra head, but which the spirit of this country crushed, and since that day has held in utter detestation. It was then that good men felt and trembled, and though some late circumstances may have given cause to suspect that discord is still endeavoured to be excited, I have not a doubt that you will by your verdict this day show that you still entertain the

same abhorrence of these practices.—There, in that Convention—I shall call it by no other name—he, almost alone, was found the supporter and defender of a paper—a paper penned by some infamous wretches who have, like himself, fled from the punishment that awaited them—which came from a Society styling themselves United Irishmen, and which, even in that convention, was considered dangerous. Yet this person was the ringleader, who insisted that it should be received and answered.

These three heads resolve all into one charge—that of exciting discontent, nay almost rebellion, against the government;—that most dangerous kind of sedition, which, according to Judge Blackstone, is next to high treason.

Gentlemen, In one thing I agree with the person at the bar, that this trial is of consequence to posterity. I grant that it is; but whether as it strikes him, you are this day to judge. It has been my wish to obtain, in this case, the verdict of such a respectable Jury as I now see. Gentlemen, You are to determine if sedition be a crime of such a horrid nature as I represent it. I bring forward the arm of power to crush it, and which will be either invigorated or palsied by the verdict which you are to give. You will consider the conduct of the pannel, and then say whether it is such a conduct as in your minds ought to be passed over.

Gentlemen, As the charge is of three kinds, the witnesses are also of three kinds: and if ever there was a respectable set of witnesses, whose evidence stands on the basis of truth, they are to be seen here: and in place of being contradicted by his witnesses, they are completely corroborated by them.

Gentlemen, As to the charge of seditious speeches, we find him in different parts of the country, exciting in the people a spirit of disaffection to the lawful government. There has he been recommending books to enlighten their minds, a measure in which, however, he has been very unsuccessful, if we may take Weddel, the learned vice-president of the Kirkin-tilloch Society, as an example of its effects.

The evidence I chiefly rest upon here is Johnstone's, and no evidence can be more distinct, connected, and clear. He and Freeland both agree, that the pannel spoke of the success of the French arms. What could be his motive for discouraging on this subject to such low, ignorant, and illiterate people? Why talk to them of the burden of taxes, if he did not mean

to light up the flame of discontent in the country? Gentlemen, We may hope to live to see these burdens lightened, but you will not allow *that* person to proceed in his mode of doing it. The lessening of taxes, and payment of the national debt, are subjects which always engage the attention of the lower ranks of men, and you will judge the propriety of haranguing them on such popular topics. He told them, that if they were more equally represented, they would not be so heavily taxed, and that the burden of taxes prevented them from bringing their goods to market upon equal terms with the people of France. Could any measure be devised more calculated to produce discontent and sedition than this? Had such societies existed before he came among them, the case would have been somewhat different; but he appears every where the ringleader. We find him with them on the Tuesday preceding the meeting, and conversing about it.—He comes to the meeting, harangues them, and then adjourns with a select party to Wallace's. Can you desire any stronger proof of his being the main instrument and promoter of these dangerous meetings, than the clear, convincing, and connected evidence I have laid before you?

Gentlemen, The circulating seditious books is the next charge I shall speak to. The passages selected from them, you will see in the indictment. The witness Freeland is again an evidence here. I must observe to you, that it appears extremely doubtful whether he told all that he knew. You might have seen by his face that he prevaricated; and when closely questioned, the sweat broke upon him. He says he got Paine's book out of Muir's pocket. This is a mode of circulating a book which a man of his disposition would very naturally adopt. He did not go openly, but privately. You will judge of him when you have compared his actions with his professions. Indeed, every evidence goes to prove, that this wretch is tainted with sedition from head to foot, and more unworthy of the protection of the law than the meanest villain.

The next witness I shall speak of is Anne Fisher; and though the pannel, by an expression which he made use of, has endeavoured to prejudice you against her, I dare say, Gentlemen, you will agree with me, that her evidence is correct, well founded, stands on the basis of truth, and is corroborated by the evidence of others. She was repeatedly sent to purchase Paine's book, and she mentions the

persons for whom she bought it. She was sent from her master's house, the pannel's father, who I am informed is a respectable citizen; but I do not mean to attach any criminality to him. That person at the bar has the miserable reflection of having himself imbibed the lives of his unfortunate parents. There, in his father's shop, did he harangue all the poor ignorant country people, and persuaded them to lay out their miserable sixpence to purchase the Rights of Man. There was he always found in the back shop reading seditious publications. In that den of sedition he sat like a spider spinning his filthy web to entrap the unwary. The witness names the persons for whom she purchased Paine's book. One of those persons she condescends upon, is the uncle of that unfortunate wretch at the bar. But I decline bringing the uncle as an evidence against the nephew.

Wilson likewise corroborates the evidence of Anne Fisher, when he depones, that he was advised to keep a copy of Paine's book in his shop, because "it would enlighten his customers, for that it refuted Mr. Burke entirely." What! he confuted Mr. Burke!—a man whose wonderful talents, astonishing genius, and sublime efforts, have lately been so nobly exerted in the defence of our glorious constitution!—Gentlemen, you have now only to read the passages quoted from that book in the indictment, and if you are loyal to your king—if you love your country, and are desirous to preserve it, you will return a verdict against this man, who has dared to recommend that wretched outcast and his writings—works which I never read till my official situation obliged me to it. But I need not tell you my opinion of this book, since the whole country holds it in detestation. [Here the Lord Advocate read some passages from the indictment.]

Now, Gentlemen, when he approves of sentiments such as these, what signifies all his evidence of attachment to the King and Constitution? We are told, indeed, by one of his witnesses, that he advised him not to sell Paine's book; but when closely questioned upon his cross-examination, it unfortunately turns out that this was from a sense of danger, not from real sentiment: it happened, you will remember, Gentlemen, about the time that the Sheriff came to inquire about this book.

Gentlemen, it even appears from the evidence of Fisher, that the poor organist could not pass the door of this demon of mischief, but he must be stopped to play

Ca Ira—a tune which is made use of in that unhappy country France, as a signal for blood and carnage. It may be said that the evidence of this girl is somewhat contradicted by that of the pannel's friend old Barclay the elder. But you will recollect the salvo that this witness chose to introduce when he took the oath—that did not look well.

I am now advanced to the third charge of the indictment, which relates to the pannel's proceedings in that "Convention of Delegates," as they styled themselves. It is clearly proved, that in that place he read, approved of, and defended the Irish Address. But, Gentlemen, you will not approve of such a paper, nor disregard such a convincing proof of his guilt; nor will you, were his abilities ever so great, or his views ever so comprehensive, permit that person to set up his daring and seditious opinions in opposition to the excellent government of this country. Indeed, his actions in some instances appear tinctured with madness; and were it not that we find him everywhere a determined enemy and ringleader in a horrid scheme of sedition against our happy constitution, it would be impossible to tell whether his conduct was marked more with wickedness or insanity.

Gentlemen, having finished my remarks upon the evidence—an evidence which I am convinced must appear to you incontrovertible, there remains only two topics on which I must beg to make a few observations. The pannel has said that he left this country on business of importance—that he was unwillingly detained in France—and that he always wished to come forward to this trial. But we shall soon see how this corresponds with facts. I should have made no objection to his proving this. It would have argued some degree of honour. But these false assertions are all clearly refuted, and I will make it appear that he fled from this country under the impression of guilt; and now he is returned to be again the pest of Scotland, with the same diabolical intention as before. But, Gentlemen, what was the reason of his going to France? I was never more surprised at any thing than the evidence of Skirving, when he told us that the pannel was sent to France by persons styling themselves the Friends of the People, because it was believed he might have influence in saving the life of the King of France. Did the witness know—did he recollect that he was at that time accusing the pannel of high treason? But why were these people so much in-

interested in averting this event? The witness has informed us. It was thought such an event would hurt their common cause. What cause? The design of overthrowing the Government of this country. There, then, he stands an ambassador from a society in this country to France—a circumstance which greatly heightens his guilt.

Gentlemen, I have postponed this trial much longer than I ought to have done, because I was willing to give the pannel every opportunity of returning, and I inserted the adjournment in the public papers, in the expectation that it might find him while roaming through the world. Observe the shipmaster's receipt; it is dated the 16th of May; what became of him all the time from that date, till the 31st of July, when he was apprehended? Nobody was informed of his intention of returning. How unlucky that not one solitary letter was wafted by the winds, or impelled by the waves, to his friends here, and inserted in the *Edinburgh Gazetteer* or *Caledonian Mercury*, to give notice of what he says was his earnest wish; but the very reverse of this was the case. By his father's letter we find him in Ireland, and who knows how he was employed there? We know nothing of him all this time, except what we may discover from the diploma of the *respectable Society of United Irishmen*.

Gentlemen, You may know a man by the company he keeps. Among his papers there is a letter addressed to the Rev. T. Fycho Palmer, a man who in a few days is to be tried at Perth. The seal of that letter is remarkable. It is a Cap of Liberty on a Spear, and under it is the motto *Ca Ira*. You see, Gentlemen, the pannel returns to this country with all the insignia of sedition about him.

Gentlemen, I beg your attention to a passage which I shall read to you from a celebrated French author. We will see what was his opinion of the British Constitution. [Here the Lord Advocate read a very long quotation from De Lolme on the British Constitution, from the middle of page 554 to the end of the book.]

Gentlemen, You have heard what a foreigner has said of our glorious constitution, and you must be sensible how carefully we ought to preserve it. I trust you will view this case in the same light as I do. You will protect your King from the attacks of his enemies, and you will guard this temple of freedom from all the attempts of the factious. You will not allow it to be violated by that person at the

bar; and you will now, Gentlemen, prevent his attempts in future; and I conjure you to do justice to your country, and honour to yourselves, by returning such a verdict as shall stop that man in his mad career, who has been sowing sedition in every corner with so liberal a hand.

Mr. MURK addressed the Jury as follows:—

Gentlemen of the Jury,—I now rise in my own defence. I have long looked forward with joyful expectation to this day. All that malice could devise—all that slander could circulate, has been directed against me. Gentlemen, I speak with pride and triumph. After an inquisition perhaps unexampled in the history of this country, my moral character stands secure and unimpeached. Upon my public conduct I regarded that inquisition with scorn and in silence. With the paid and anonymous assassins of public reputation—with such mean and worthless adversaries, I disdained to enter the lists—I reserved my vindication to this day, when before you, in the face of Scotland, I should manifest my innocence. Gentlemen, I supplicate no favour. I demand justice.

You are bound to grant it. I shall not imitate the example of the Public Prosecutor, who has just finished his pleading. Sounding and unsubstantial declamation is unsuitable for you—it is unworthy of me. This is not the time to temporize. The eyes of this country are fixed upon us both: the records of this trial will pass down to posterity; and, Gentlemen, when our ashes shall be scattered by the winds of heaven, the impartial voice of future times will rejudge your verdict. In the meantime, let faction rage—let the spirit of party in the present hour proudly domineer—the illusion will soon vanish away. In solitude, the power of recollection will assume its influence; and then, Gentlemen, it will be material to you to consider whether or not you have acted uprightly, or sinned against your own eternal conscience, in my acquittal, or in my condemnation. Gentlemen, there are two circumstances which have been strongly insisted upon by the Public Prosecutor, though they have little or no connection with the general nature of the evidence he has adduced. I shall take some notice of these circumstances here, before I enter into a particular vindication of my conduct. Long, indeed, has he harangued upon them, and has exhibited them in every form his imagination could suggest. He maintains, that, after I had been examined by a magistrate, af-

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ter an information had been filed against
me, I fled from this country, conscious of
my guilt! Gentlemen, I admit the fact
of my departure. But, in those days, in
these circumstances, can it be ascribed
only to conscious guilt? When the whole
strength of arbitrary power is exerted
against one individual, would it be com-
mendable in him to expose himself as a
sacrifice, when his sufferings might be of
no service to his country, and would only
present posterity with an addition to the
vast catalogue of the victims of despotism?
If there are only two motives to which
you can assign my departure, you are
bound in justice to ascribe it to the most
charitable. But do the circumstances at-
tending my departure bear any resem-
blance to a flight? Did I not publicly
announce it the preceding evening in a
numerous meeting of citizens? Did I not
cause it to be published in a newspaper?
Did I affect the garb of concealment?
When in London did I remain in obscu-
rity? Did I not appear in a distinguished
society—the Society of the Friends of the
People? And did not that society after-
wards publish a resolution, announcing in
its preamble my appearance among them?

But why did I go immediately to
France? In Mr. Skirving's evidence re-
specting a letter he received from me be-
fore I left London, he has said that I pro-
posed to go to Paris, as it was the advice
of some friends I might be of some ser-
vice in mitigating the fate of the late
King of France. The words of Mr. Skir-
ving, "*some friends*," have been inge-
nuously represented to be members of that
truly respectable society; and it is boldly
argued, that I went as a missionary from
that body. Nothing can be more inju-
rious: I am sorry that Mr. Skirving has
not been able to produce the letter alluded
to—it would have clearly demonstrated
the falsehood of the assertion. But Mr.
Skirving never said so! No person can or
dare say, that I went as a missionary to a
foreign power, or even received any dele-
gation either from individuals or from any
society whatever. Building, then, upon
this unsubstantial basis of words, never
uttered in evidence by Mr. Skirving, I am
accused of a species of "high treason," in
being a missionary to a foreign power,
without any legal authority from this coun-
try. The charge is equally ridiculous
with the misrepresentation on which it is
founded. Let it, however, be considered
as serious, I dare the proof—I challenge
the Prosecutor to adduce the smallest ves-
tige of evidence in support of it.

Gentlemen, I admit I wrote to Mr.
Skirving of my intention of going to
France—nor will I deny the motive. I
saw in the execution of the late King, a
specious pretext for plunging the country
into a war, and for extending the effusion
of human blood to every corner of the
world! I may have erred: I may have
acted from enthusiasm; but it was an en-
thusiasm in the cause of man. If, at the
period when it was free for every person
to publish their sentiments upon that aw-
ful occasion, I wished likewise to publish
mine, can that be imputed to me as a
crime? Has not the Prosecutor lamented
that disastrous event, and will he not ex-
cuse a man who wanted to prevent it?
who with many friends to humanity of
every nation, and of every party, in pri-
vate, and in public, in conversation, and
from the press, exerted their abilities to
ward it off, because they considered it
pregnant with evil to this country, and
foresaw that it would introduce years of
blood and of sorrow?

It is said that my departure from Scot-
land, and my journey to Paris, are cir-
cumstances which afford some presump-
tion of guilt. But, Gentlemen, that pre-
sumption is now done away,—*I have re-
turned.*

Gentlemen, The Public Prosecutor has
boasted that he *delayed* the trial to give
me an opportunity of returning: that he
postponed it for some weeks, and adver-
tised it in the public papers, which he
supposed would find me "roaming in
some part of the world." But was he ig-
norant that hostilities were at that time
commencing, and that it was tedious and
difficult to procure passports? Of that
difficulty surely every person here is con-
vinced.

All my private letters which have this
day been read, prove my uneasiness on
account of the delay, and my anxiety to
return. But before I procured my pas-
port, hostilities had commenced between
this country and France—the flames of
war were blazing over Europe. There
were only two ways by which I could re-
turn home: the first by the way of Ham-
burgh; the second by the longer, but
more certain circuit of America. The
latter course appeared more safe, and less
liable to interruption. I therefore adopted
it: I left Paris; I arrived at Havre-de-
Grace, and found a vessel there bound
for New York. The receipt from the
master of that vessel for the payment of
my passage, which was found in my pocket-
book when I was stopped on my landing

in Scotland, proves that I had actually taken my passage. This vessel, however, was detained almost three months by taking on board her cargo, and by an embargo which was at that time laid on all neutral vessels in the ports of France. In the interval another American vessel, the Hope of Baltimore, arrived, which was to touch at Belfast for a part of her cargo before she returned to America. This appeared to me a fortunate circumstance, and I immediately adopted the plan of returning to Scotland by the way of Ireland;—not to supplicate favour—not to implore protection—but to demand justice.

After a short passage, I was landed in Ireland, but I remained there only three days. I did not conceal my name. I appeared in all the places of public resort, to all I announced my situation and intentions. But it is said there have been insurrections in that country, and the prosecutor insinuates that the "demon of sedition," as he calls me, was probably the cause of these insurrections. Gentlemen, I smile at the ridiculous accusation. It might have been easy for me, by the testimony of my friends in Ireland, whom I love and honour, to have proved how I spent every hour of my time. I could have made it appear, that I associated with a few friends who were chiefly engaged in literary pursuits.

Gentlemen, The prosecutor has said I came from Ireland to Scotland in "a private and clandestine manner," and his composition, the indictment, contains the same injurious assertion. Now, Gentlemen, I am extremely sorry that the respectable magistrate, Mr. Ross, at Stranraer, is not here. In the list of witnesses adduced against me, I saw his name, and the name of Carmichael, the person who first recognised me on my landing at Portpatrick. I therefore expected to have found them both inclosed with the witnesses for the Crown; and I would have adduced them to prove, that so far from concealing myself, I announced myself publicly and without disguise. But the conduct of the Public Prosecutor is uniformly marked with dissimulation. When he served upon me, in the list of the witnesses for the Crown, the names of Carmichael and Ross, I could not entertain the least doubt but that they were to be adduced. This, however, seems to have been an art to prevent me citing them at my own instance. It has succeeded, and I am now precluded from the benefit of their testimony. But why did not the

Prosecutor at least produce the declaration which I made before the magistrates at Stranraer? That declaration would have proved that I did not come into this country in a clandestine manner. And as much invective has been founded upon my coming into Scotland in a clandestine manner, as it is charged as a circumstance of aggravation against me in the indictment, you will judge of the rectitude of the Prosecutor's conduct in thus declining upon a fact which he shrinks from proving, and which his artful contrivance prevents me from disproving.

Gentlemen, You are now, I trust, convinced that no "consciousness of guilt" led me from Scotland;—that no improper motive carried me from England to France; and no deep and secret intention induced me to return in disguise to my native country. Gentlemen, I have already stated to you, that the object of that return was to demand justice, to wipe away the imputation of the crime of which I am now charged. And what, I ask, is that crime? It is SEDITION—a term the most vague and undefined—a term familiar to power—familiar to corruption—a term which has been applied in one age to men rejected by society, but whose names were honoured by after times, and upon whose virtues and sufferings, in the succeeding age, the pillar of the constitution was erected. Gentlemen, the records of history—the monuments of former ages—the annals of the present period—all attest that this crime of sedition is of the most ambiguous complexion. Those who have dared to oppose arbitrary power, who have ventured to stem the tide of corruption, or to come forward in the hour of danger, and to save their country, have been branded with this epithet. The fact, in fact, is no longer injurious. Experience will make you to connect along with it no prejudices. You will scrutinize the idea; you will investigate the fact combined with the intention. And, Gentlemen, let us proceed to that investigation. Tell me where the smallest vestige of sedition has appeared? Has property been invaded? Has the murderer walked your streets? Has the blood of the citizens flowed? O no! But it is said, although the effects of sedition have not taken place, the attempt was meditated!

Gentlemen, The Prosecutor has talked of the danger the people of this country were in last winter—of the deep-laid plots and treasonable conspiracies of the Friends of the People! And I am the man whom he charges as the author of the whole,—

to produce the declaration before the magistrates at that declaration would have not come into this court in this manner. And as much as I am founded upon my own land in a clandestine manner as a circumstance charged against me in the indictment of the recitade of the conduct in this fact which he shrinks from his artful contrivance from *disproving*.

You are now, I trust, conscious of guilt—Scotland;—that no impropriety from England to keep and secret intention to return in disguise to my Gentlemen, I have allowed, that the object of that demand justice, to wipe out of the crime of which I speak. And what, I ask, is this sedition—a term the undefined—a term familiar to corruption—a term applied in one age by society, but whose meaning has changed by after times, and whose sufferings, in the pillar of the constitution.

Gentlemen, the records of former monuments of former of the present period—this crime of sedition is of a complex nature. Those who oppose arbitrary power, who stem the tide of corruption forward in the hour to save their country, have with this epithet. The no longer injurious. Examine you to connect along lines. You will scrutinize will investigate the fact of intention. And, Gentlemen, proceed to that investigation where the smallest vestige appeared? Has property been murdered? Has the murderer walked with the blood of the citizen? But it is said, all acts of sedition have not attempt was meditated! The Prosecutor has talked of the people of this country—of the deep-laid plots and conspiracies of the Friends of the Cause. And I am the man whom the author of the whole,—

whom he represents as similar in malignity to the demon of mischief, and whom he honours with the title of the "pest of Scotland!" Well, then, let it be supposed that an attempt was formed to overthrow the constitution, to kindle the torch of civil war, and to lead rapine through the land; where, I ask, has the *proof* of this design been found?

Gentlemen, Every thing has been explored. An inquisition, unknown even in Spain, has been carried on. Every thing transacted within the walls of private families has been industriously inquired into; and to prove this mighty crime which is to convulse the state—which is to tear the constitution from its basis—the principal witnesses are a *true and respectable* scullion girl, and a hairdresser, who cannot speak to *actions* but to *words*! I have addressed numerous societies—the doors were open. We disdained concealment, for our intentions were pure. Could not some ruffian be procured who could at least give a manly testimony to our "atrocious" purposes? But to adduce a girl and a hairdresser, the domestics of a private family, to prove a crime which required the co-operation of many thousands of bearded men, while it excites the frown, must likewise call forth the smile of contempt, from the just and the impartial. But let us be candid.—Let us advance upon fair and open ground.—Let us throw away miserable pretences. If standing forward for an equal representation of the people in the House of Commons, is the impelling motive of this prosecution (and I judge it is), let it be acknowledged. I shall give little trouble. I will plead guilty to the charge. I will save you, Gentlemen of the Jury, the wretched mockery of condemning a man for a trifle, while the principal cause of condemnation cannot be declared, and must be concealed.

Yes, Gentlemen, I plead guilty. I tell you that I openly, actively, and sincerely embarked in the cause of a Parliamentary Reform, in the vindication and in the restoration of the Rights of the People.—Nor do I hesitate to unfold to you my motives—they are supported by their own intrinsic strength, and they are sanctioned by the great and venerable names of the living and of the dead. Gentlemen, I have boldly contended for an equal representation of the people in what I shall ever call the House of the People, because I consider it to be a measure essentially necessary to the salvation of the state, and to the stability of our boasted constitution.

Gentlemen, I ask in what consists the excellency of that time-tried fabric, cemented by the blood of your fathers, flowing from the field and from the scaffold? I will tell you: it consists in the *JUST BALANCE* of the three great impelling powers of King, Lords, and Commons. If one of these powers lose its vigour, the efficacy of the constitution is proportionably impaired; if one of these is absorbed by another, the constitution is annihilated. Is it not known to you, and acknowledged by all the world, that the popular branch of our constitution has suffered the ravages of time and of corruption? The fact is indisputable. The representation of the people is not what it once was, AND IS NOT SUCH, AS I TRUST IN GOD ONE DAY IT SHALL BE. And, Gentlemen, no *ex-emption* to his country can surely be said to influence the conduct of that man who sounds alarm when the constitution is in danger; who summons all who may be concerned in its reparation, and labours to *preserve* it, by endeavouring to *restore* it to its original purity.

Such, Gentlemen, are the motives which have influenced my conduct. If you find me guilty, you implicate, in my condemnation, men who now enjoy the repose of eternity, and to whose memories a grateful posterity has erected statues. I have been doing what has been done by the first characters of the nation. I shall not at this time repeat all the venerable catalogue. But is any one ignorant of the illustrious LOCKE, whose *Treatise on Government* is written in the irresistible language of reason and of truth, and who supported by philosophy the cause of liberty and of man? Was not he the friend of the British Constitution? Yet he was an advocate for a Reform in Parliament, for a more equal representation of the people in the House of Commons. Will you, therefore, tear the records of his fame—will you stigmatise his memory, and brand him with the name of Sedition?

Let us rapidly proceed down to modern times. Let us pass over in silence many illustrious names, whose memories, with that of the Constitution, will perish together. Let us come to our own days. Gentlemen, are ye ignorant of BLACKSTONE, the man who first collected the laws of his country from the deformed chaos into which they had been thrown, who arranged them with elegance, and adorned them with every flower which the classic field could produce? Are not the volumes of this revered judge in the hands

of all? And has not Blackstone, not with the levity of ill-pondered words—not in the private hour of relaxation—not in the heat of popular debate, but in the calmness and solitude of study—maintained the same propositions which I maintain—been guilty of the same sedition of which I am guilty, when he pronounced that the constitution was imperfect in its popular branch, and that if any *alteration* was necessary, it was *there* to be desired.

But, Gentlemen, I shall not refer to writers who are now no more, and who are beyond the reach of punishment. Vengeance ceases in the grave. There factions and parties cannot rage.—But if I have been guilty of a crime, I shall not claim the protection of the dead. I shall not wander among the tombs supplicating the assistance of those who cannot hear me. I have the greatest *living* characters on my side—men high in rank and power—who enjoy the confidence of the King, and are admitted into the bosom of his Counsels. Why, Gentlemen, the Prime Minister of the country, Wm. Pitt, and the Commander-in-Chief of the Army, the Duke of Richmond, have both been strenuous advocates of Reform. Are they not then criminal as I am? It can never be forgotten, that, in the year 1782, Mr. Pitt was tainted with sedition by proposing a Reform in the House of Commons. Did he not advise the people to form themselves into Societies?—and did he not encourage them by his example, and countenance them with his presence? Beware, then, how you condemn me; for at the same time you must condemn the confidential servant of his Majesty, who was in the year 1782, what I am in the year 1793—a Reformer.

Gentlemen, You will further remember, that, in the year 1782, the Duke of Richmond was a flaming advocate for the right of Universal Suffrage. He presided in Societies; and, like Mr. Pitt, advised the formation of such Societies all over the kingdom. Has guilt, then, nothing permanent in its nature—does it change with times, and seasons, and circumstances? Shall the conduct which was deemed patriotic in 1782, be condemned as criminal in 1793?

I have been honoured with the title of the "*Pest of Scotland*;" but if similar offences merit similar epithets, the same title must likewise be bestowed on the Chancellor of the Exchequer, and the Commander of his Majesty's Forces. [Here Mr. Muir turned to the Lord Advocate, and, in a strain of bold and cutting elo-

quence, exclaimed:]—And pray, my Lord, what term of super-eminent distinction will *you*, the Public Prosecutor, the Lord Advocate of Scotland, claim *for yourself*? You also were, not many months ago, a Reformer. You contended for a more equal representation of the People in the House of Commons. You were one of those men who, for that purpose, lately assembled in this city, in what they called a *Convention*, and assumed to themselves the title of Delegates from the *Counties*; and you were then employed in framing a Bill for extending the Elective Franchise! Why, my Lord, in accusing me, you charge yourself with sedition—every charge in your indictment against me recoils upon *yourself*. If it was lawful for *you* and *your* friends to meet in Societies and Conventions, for the purpose of obtaining Reform, it cannot surely be illegal in me and my friends to meet, and to act on the same principle.

I shall not, however, Gentlemen, detain you longer on this point; although my assertions are founded on truth, and my reasoning is just, yet the subject is too ridiculous to be dwelt upon in this man's trial.

Gentlemen, the first charge in the indictment is, that I was concerned in convening meetings of the people, at which I made seditious speeches and harangues, vilifying the King and Constitution, &c.

Now, Gentlemen, the first witness adduced in support of this charge is *Alexander Johnstone*. You will remember the objection I stated to this witness, and which I could have supported by respectable witnesses, if I had been allowed. But what does Johnstone prove against me? [Here Mr. Muir, from his notes, read Johnstone's evidence.] The witness says I stated the imperfection of the representation, from Burghs being rotten, and other places having no vote. And do you call this sedition? The witness swore he heard me say, that if a man threw away £20,000 to procure a seat in Parliament, he surely had some interest in it. And can it be supposed that any man in his senses would give such a sum for a seat in Parliament without having some sinister view? In no proposition of Euclid is the conclusion more demonstrable than the inference which I drew from this undeniable fact. It may be said that this has been done from ambition—from a man's desire of exercising great talents for the benefit of his country, or of displaying his eloquence to the world; but have we not seen it done as often by the man who no-

ing at them, it would have been more becoming in the Lord Advocate to have said that they are in the "situation" of those who compose the great mass of society,—who support the Government by their industry, and who fight the battles of their country. And what age? That period of life when the heart is uncorrupted, when the soil is best prepared to receive the good seed, and when the mind is most susceptible of the impressions of virtue and humanity. Must the members of that Society be held up to derision, because the majority was composed of weavers, and because they might be principally young men? Must they be censured for interesting themselves in the welfare of that country in which they were to spend the remainder of their days? And must they not presume to inquire into the nature of that constitution in the operation of which the happiness of their future lives is so materially concerned? Gentlemen, you will remember that this witness stated that I recommended peace and regularity: that I told them there was no other way of procuring redress, but by an application to Parliament; that I advised them to receive no immoral characters as members; and you will judge how far such advice accords with the criminal charges of the indictment.

The next witness is Robert Waddel, vice-president of the Kirkintilloch Society. From his examination there appears no proof of criminality, not the most slight indication of guilt. It is to be observed, that he deposes to circumstances which occurred in the same meeting, at which the former witness was present; they, however, do not agree respecting my general conduct. I am accused of vilifying the King and Constitution; and what does this witness say?—that I made a speech, in which I advised regularity in their proceedings, and that they ought to proceed in a constitutional manner, as the law now is, by King, Lords, and Commons. This indictment alleges, that I reprobated the monarchical branch of the constitution. But the witness swears that I said nothing about the expense of the King, nor the comparative expense of the French Constitution, nor the success of their arms. Gentlemen, I speak with candour: it is not in my remembrance that I spoke concerning the comparative excellency of the French and British Constitutions. You hear one witness declaring that I merely compared them together; you hear this witness declare, that I made no mention of either constitution.

Both of them may have spoken truth, according to the impression on their minds; but they show you the danger of trusting to the memory of witnesses, when it relates to words spoken in the warmth of a public discussion, and attempted to be recollected after the lapse of many months. But give whatsoever degree of strength you choose to Johnston's evidence,—draw from the comparison which you may assume I instituted between the French and British Constitution,—I say, draw from it an inference as highly criminal as you possibly can, still the testimony of that man is completely overthrown by this witness. Mr. Waddel has stated to you what passed after the meeting was over, in private company, in the unguarded hour, when the mind dreads no danger, and when vigilance is asleep. Can any thing prove more strongly than the deposition of this man, the innocence of my conduct? The conversation related to politics and to new publications, and he remembers me speaking of Flower on the French Constitution, which, though not mentioned in the indictment, you will recollect the Lord Advocate wished to bring forward as seditious, and as a circumstance "tending to prove the crime charged." I am not acquainted with the respectable author of that book; but if, from writing, a true idea may be formed of the heart, there is not a man that I would more fondly call my friend. If any one wish for a Reform in Parliament, let him read and weigh well the lessons which Mr. Flower has inculcated. Gentlemen, the witness next deposes, that I recommended Henry's History of England. And so I am called an enemy to the Constitution, because I recommended to the people the book best calculated to instruct them in its principles and progress,—a book which was warmly recommended by the great Earl of Mansfield, who first brought it into notice, and procured the author a pension from the King!

This witness, you will recollect, was asked by the Solicitor-General, what he meant by a more equal representation? He stopped for a moment to consider. Oh! what a matter of triumph was this! Then burst the contemptuous sneer from the other side; and then, with affected ridicule, was pointed out the absurdity of men, so ignorant, embarking in the cause of Reform, when even their vice-president, if any had known, should have been the man. Why, Gentleman, by all, excepting Mr. Pitt and the Duke of Richmond, who contended for Reform,—and in all

that was said in the late debate in the House of Commons,—no specific plan was actually brought forward. Is it then a matter of surprise, that the witness, who is certainly as much entitled to become a Reformer as the Lord Advocate, stooped for a moment to consider his answer to the question? But, Gentlemen, his answer was such as did honour to the coolness of his mind, and to the soundness of his understanding. Two opinions, replied he, divided the Society; one was for confining the right of voting to landed property, the other for every man having a vote; but he had not made up his mind upon either. He declared, at the same time, that I did not give any opinion on this subject.

Gentlemen, I shall not, at this time, say much with regard to the very Rev. Gentleman who was next called as a witness, as I intend to bring a criminal prosecution against him. My objections to his admissibility were sustained, before I entered upon the threshold of my proof, by the Lord Advocate's wisely giving him up. I am sorry for the Prosecutor's timely precaution;—it prevented me from bringing a cloud of witnesses against this gentleman, to prove practices, nay, crimes, which — but I shall go no farther at present; my most rancorous enemy was aware of what would have followed: and even he, it appears, would have blushed to have brought forward this man's testimony. But I trust that you, Gentlemen of the Jury, will this night do justice to my innocence; and if, by your verdict, I am acquitted from this bar, I here solemnly pledge myself that I shall in my turn become his prosecutor.

Gentlemen, I am charged in the indictment with having convoked the meetings which I afterwards harangued. Now, Henry Freeland, the next witness, president of the society at Kirkintilloch, deposes, that there was an intention of having a Society there before he ever saw me. Where, then, is this charge in the libel supported by evidence? He mentions that the general purport of my speech was about shortening the duration of Parliament, and a more equal representation: that I said I thought taxes might be lessened by these means, and that reform was not to take place as to the King and House of Lords, but only as to the Commons. Call you this sedition? Does not every thing brought forward by these witnesses of the Crown, confute the false, the injurious, and the scandalous charge in the libel, of "vilifying the Constitu-

tion," and of "exciting the people to rebellion against the King?"

Gentlemen, I now come to the most material part of Mr. Freeland's evidence,—indeed the most material evidence which the Prosecutor has been able to produce. A wide field is now before us; and I request your most serious attention to what I shall now say, as it relates to a principal charge of the libel.

Gentlemen, The indictment charges me with "wickedly and feloniously circulating and distributing Paine's book, in order to inflame the minds of the people against the Constitution." Now, Gentlemen, I ask you to lay your hands upon your breasts, and to say whether, in the circumstances under which I lent that book to the witness, there appears a shadow of "felonious" intention? You know, Gentlemen, the newspapers of the day were full of advertisements announcing where the works of Mr. Paine were to be found. The cause of this curiosity in the public mind may be easily unfolded, without uttering a single syllable upon the intrinsic merit or demerit of these works. The situation of France roused the attention of Europe. To that country every eye was turned, and every man who could wield a pen, was employed in discussing the principles which the Revolution had called forth. Mr. Burke entered the field of controversy. The name of that gentleman would give sale and diffusion to any production. Mr. Burke fought upon one side of the question. He was encountered upon the opposite by Thomas Paine—both of them champions of approved vigour, and of undoubted prowess. Could public curiosity not be awakened to the contention of such men? It was most completely: the works of Burke and Paine flew with a rapidity to every corner of the land, hitherto unexampled in the history of political science. Is there a single man among you, who has not read the works either of Paine or of Burke? Is there a person upon the Bench, upon the Jury, or in this audience, who has either not purchased, or lent the treatise upon the Rights of Man? Now, if one of you lent to a friend or relation, who might participate in the common curiosity, a single pamphlet of Mr. Paine's, you are just as guilty as I am. If there had been a public law of the kingdom condemning that book, the presumption of innocence could not be admitted by its rigid rule, and the mere act of giving away a single copy, would have been considered a violation of the

letter of the law. But at the period when I lent Mr. Freeland Paine's works, was any sentence of reprobation thundered against them? No! Therefore, Gentlemen, I was guilty of offending no existing law. I was not certified of my danger—I was not put upon my guard. Was there a judgment of any Court in England or Scotland against this book at that time? No. Therefore I had no cause for alarm. True, some months before, a proclamation against seditious writings had been issued; but a proclamation, Gentlemen, is not law—it has no legislative authority; and there was no mention of Mr. Paine's works in that proclamation. Can you, therefore, now suppose, that there was any "felonious intention" in lending this book? Did I advise the witness to read it, or to adopt its principles? Why, Gentlemen, the mighty crime of sedition, with which I am charged, reduces itself into this simple fact—that to gratify the natural curiosity of a person who lives in my neighbourhood, and who is a distant relation, I lent a book which was in universal circulation, unnoticed by courts of justice, and uncondemned by law.

[Here symptoms of impatience began to be manifested by some of the Jury. Mr. Muir instantly noticed it, and said:]

Gentlemen, If, whether right or wrong, you have come here determined to find me guilty, say so boldly, openly, and, let me add, honestly: resort not to idle pretexts and expedients to justify a stretch of power. The unprejudiced eye will soon penetrate into these pretexts, and the determination will soon receive the contempt and indignation of mankind.

Gentlemen, I would now wish to direct your attention to what Mr. Paine's writings are, and to the particular manner in which they are presented in accusation against me. And, Gentlemen, I will allow, that any writing which calls upon the people to rise in arms, to resist the law, and to subvert the Constitution, is something worse than seditious—that it is treasonable. But do the writings of Mr. Paine stand in that predicament? Can you point out a single sentence where he provokes insurrection? In fact, Gentlemen, Mr. Paine's writings are indisputably of a *speculative* nature. He investigates the first principles of society—he compares different forms of government together, and where he gives the preference, he assigns his reason for so doing.

Gentlemen, I have neither time nor inclination to entertain you by any dissertation on the liberty of the press. If

that liberty is sickly, the Constitution is likewise diseased. If that liberty is extinguished, the Constitution expires. You may ask what is the precise notion which I affix to the term Liberty of the Press? I will tell you honestly and without disguise. By the liberty of the press, I mean not the power of assassinating the reputation, or torturing the feelings of individuals. No crime, in my estimation, can be more heinous. By the liberty of the press, I mean not the power of degrading and contaminating the public mind by tales of immorality. By the liberty of the press, I understand not the power of inflaming the minds of men against the Constitution—of stimulating the people to insurrection, and of tearing down the barriers of public property and of public security. Where government is established, that government must, or ought to be respected. And the truest republic which ever yet existed, never could tolerate the internal foe, who within its own precincts, sounded the charge to civil war. By the Freedom of the Press, I understand the INALIENABLE RIGHT OF PUBLISHING TRUTH; of presenting to the world whatever may tend to public good—not hurting the feelings of individuals—trampling down morals—or established laws.

Gentlemen, Constitutions of government are the workmanship of men: that constitution is the most perfect which can be most easily amended. There are constitutions which, step by step, without convulsion and without blood, have advanced to superior degrees of perfection; which by their own internal energy have effected their own reformation, and avoided the calamities of a revolution. These *progressive* constitutions, if I may use the expression, must always cherish and support the liberty of the press, as the chief instrument of their preservation. And, Gentlemen, how grateful should we be to Eternal Providence, that our Constitution possesses in itself the power of amendment—that without a Revolution, it can rectify its abuses—and that silently and without disorder, it can advance towards that chastened liberty, which constitutes human felicity. You have read the history of the British Constitution, and what is it but the history of a continual progress? And what has been the impelling cause of that progress? I answer, the universal diffusion of information by means of the liberty of the press. If you destroy that liberty, the people will be buried in ignorance—the iron throne of despot-

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ism will be erected. Let us then apply
this argument to the case of Mr. Paine.
This work, I again state, is merely of a
speculative nature, upon the principles of
Government. Now, if Mr. Paine's work
is inconsistent with the principles of the
British Constitution, what is the conse-
quence? If the book is written with in-
genuity, it will acquire readers. No man
in his sound senses, the keenest advocate
for a Parliamentary Reform, but will
avert his eyes bathed in tears, and in hor-
ror of soul, from a Revolution. He will
compare the Principles of Mr. Paine with
the Constitution. If Mr. Paine has point-
ed out any thing defective in the con-
stitution, he will contribute his humble
efforts to have that defect repaired. If,
on the other hand, he still imagine that
Mr. Paine has taken an erroneous view of
this edifice, has misrepresented its prop-
erties, he will become more and more
sensible, from his inquiry, of the security
which he enjoys under its protection.
The sense of danger will be removed, and
his mind, undisturbed by gloomy appre-
hensions, will enjoy tranquillity. Oh, how
little do ye deem the British Constitution,
who think that it is built upon the sand,
which, when the rains descend, and the
floods come, and the winds blow, and beat
upon it, that it shall fall.—No, Gentle-
men! When the rains descend, when the
floods come, when the winds blow, it shall
NOT FALL, for it is founded upon a rock.
I then maintain, though not in accents
sweet to the ear of corruption, or grateful
to our courtly pride, or acceptable to ill-
got power, that those speculative writers,
who investigate the principles of our Con-
stitution, who compare that Constitution
with those of other countries, perform a
meritorious service to this nation; these
writers rather impel us to rectify that
which is wrong, or more strongly confirm
us in our love and in our attachment to
that which is right. Let Mr. Paine, then,
be considered the bitterest enemy, if you
will, to our Constitution, yet as long as
he confines himself to speculation, we
should not complain. Our best interests
are involved in the Constitution, but, alas!
like interests of a higher rank—which are
superior to time and extend to eternity—
they are too apt to be forgotten, or to
make but little impression upon us. But,
Gentlemen, I say that if Mr. Paine has
pointedly called our attention to the Con-
stitution, he has performed to us an es-
sential service—he has led us to contem-
plate its perfection, or roused us from our
lethargy, to rectify such parts of it as may

have suffered decay by time and corrup-
tion.

Gentlemen, Shall the lending of a sin-
gle copy of the works of this writer be
held criminal? Was there ever such a
violation of the rights of Britons? Mr.
Paine has composed no model of a per-
fect Commonwealth, as Mr. Hume has
done; yet I dare say you have all read
the political works of Mr. Hume, and even
applauded them. But if you do condemn
a man for lending a copy of Mr. Paine's
works, you do what even was not attempt-
ed to be done in the reign of Henry the
Eighth, when the constitution, if I may
so speak, was shorn of its strength, and
nearly strangled on the rack of despotism.
Gentlemen, allow me to ask, whether with
equality of rights, Mr. Paine has ever
preached equality of property?—a chim-
era which may have entered into the brains
of those who dream of a golden age, but
who do not understand human nature.
Yet, Gentlemen, under the arbitrary reign
of Henry the Eighth, did not the illus-
trious Sir Thomas More, enjoying the
confidence of the King, and placed at the
head of the law, publish his Utopia, the
plan of his republic, of which an equal
division of property, an Agrarian law, an
universal community, formed the grand
basis? And, Gentlemen, in this enlight-
ened age;—when after so many fiery
trials, our Constitution, in its pure and
genuine principles, stands unveiled to our
view, will you condemn a man for lend-
ing a work equally speculative, and, if
such a thing existed as a well-founded
panic against "levellers," I would say, in-
finitely more dangerous?

Gentlemen, I should be the last man
to propose to your imitation the conduct
of despots; but I call upon you to pon-
der well the words of a man, who rendered
the terms republic and despotism nearly
the same—I mean Cromwell. Under
his Protectorship, when Harrington pub-
lished his Oceana, a host of informers de-
nounced that work. But what was Crom-
well's memorable answer to them? "*My
cause,*" said he, "*is too strong to be hurt
by paper shot.*" Gentlemen, if you say,
that by any publication the British Con-
stitution can be injured, I think you would
be guilty of the crime of libelling its
strength.

But, Gentlemen, to conclude upon this
head,—I maintain, that to suppress works
purely speculative, provoking not the peo-
ple to disobedience to the laws, nor to re-
bellion, however much these works may
differ from the Constitution, would de-

stroy the liberty of the Press—would trample upon the best and the surest bulwark, which defends the approaches to that stupendous erection. If, Gentlemen, to lend the works of Thomas Paine, to-day be sedition, to lend a translation of the Republic of Plato, to-morrow would be treason. Gentlemen, the works of Mr. Paine are lying before me.—I could read to you many passages to prove what I have so often stated, viz. that they are merely of a speculative nature; but, Gentlemen, you are exhausted, and so am I; and yet we have some length of field to travel over before we conclude.—For some of these passages I refer you to the late celebrated speech of Mr. Erskine,* one of the best friends the Constitution ever knew, although he is one of that proscribed and reprobated caste called the "Friends of the People!" Gentlemen, I trust that you will now be persuaded, that neither the publishing, nor the lending of a speculative political book, is sedition. But I now call your attention to another circumstance—the manner in which criminality is attempted to be attached to that book and to myself. Various detached passages are quoted from it in the indictment. They are called "wicked," "inflammatory," and "seditious." In the sacred name of Justice, will you condemn any book for detached passages, separated from the whole connection? cut off from reciprocal explanation, and from which neither its general tenor nor scope can be discovered? If you do this, where is the book in which you cannot discover sedition, by dissecting its separate sentences and paragraphs? For my part, if you proceed in this manner, I do not know a more dangerous collection than the very books of holy inspiration. Only separate verse from verse, and then combine them according to your whim or pleasure, and, Gentlemen, you may make the Bible one of the most seditious and treasonable books which ever was written. But you are neither to condemn that book nor me, for those detached passages exhibited in the indictment. You must carry along with you the whole works of Mr. Paine—you must scrutinise line by line, and you must pronounce upon the general context. If, after trying them by this test, you find these works provoking the people to resistance, calling them forth to arms, to subvert the Constitution, then no doubt they are seditious. But if you find the author indulging himself in nothing but

philosophical and political speculation, however much your principles and his may differ, you cannot condemn him for composing these works, or me, after they were composed and published, for lending them to a relation.

Gentlemen, If you condemn books for being seditious, on account of passages culled from this page and from that, and artfully combined together, you have it in your power to award a proscription against universal literature. For, as I have already mentioned, there is not a single book in which, by dissecting it in this manner, sentence by sentence, and passage by passage, you may not discover immorality, blasphemy, and treason. Indeed, if the sad objects of reflection which present themselves to my mind, when I contemplate the state of my country, could permit me to indulge in a vein of ridicule, I would advise you at once to lay the axe to the root of the tree, and to bring an indictment against the Alphabet itself, because it is the source of the evil to be dreaded; its parts form the component elements of sentences and of paragraphs, which may contain the most dangerous sedition, and the most horrible treason. But this is not the time for me to indulge in the sport of humour.

Gentlemen, I shall admit, for a moment, that the passages from Mr. Paine, and the books exhibited in the indictment, may be highly criminal; but will any person venture to say, that I lent these books for containing such passages, or that I particularly pointed them out, and gave them my approbation? If the Prosecutor has a right to presume that it was upon account of these passages I lent these writings, I, too, have a right to draw a contrary presumption in my favour, and to say, that if there are sentiments in the works of Mr. Paine (and many such there are) fraught with universal benevolence, inculcating universal amity and brotherhood, and of a tendency to dispel those passions and prejudices which animate and impel nation against nation, into fields of blood and of carnage, I am entitled to plead upon these passages—I have a right to say that it was the antidote, and not the poison, I recommended—and you must know that the law of this country obliges you, where opposing presumptions are of equal strength, to let the balance preponderate on the side of the accused.

Gentlemen, I shall conclude on the subject of Mr. Paine's works, by observing, that all the witnesses have uniformly sworn that I refused to recommend them; that

* Vide Lord Erskine's Speech, vol. II. Defence of Paine.

political speculation, our principles and his cannot condemn him for works, or me, after they had published, for lending

you condemn books for an account of passages and from that, and together, you have it in and a proscription against. For, as I have already said, is not a single book in the world, in this manner, and passage by passage, to discover immorality, reason. Indeed, if the reflection which presents itself to the mind, when I contemplate my country, could permeate in a vein of ridicule, I am at once to lay the axe to the tree, and to bring about the Alphabet itself, because the source of the evil is to be its form the component sentences and of paragraphs, in the most dangerous and most horrible treason. Give me time for me to indulge in my humour.

I shall admit, for a moment, from Mr. Paine, and the others in the indictment, may be; but will any person say that I lent these books for passages, or that I parted them out, and gave them to the Prosecutor has said that it was upon accounts I lent these writings a right to draw a conclusion in my favour, and to state the sentiments in the indictment (and many such there are) universal benevolence, fraternal amity and brotherly tenderness to dispel those prejudices which animate and inflame nations, into fields of carnage, I am entitled to passages—I have a right to the antidote, and not the indictment—and you must know of this country obliges us to make presumptions are of so to let the balance preponderate of the accused.

I shall conclude on the indictment of Mr. Paine's works, by observing, that we have uniformly sworn to recommend them; that

when the matter was proposed, I said the principles contained in them might mislead the people, as they were foreign to the object of the Society, and might misguide weak minds. There is not a witness adduced by the Prosecutor who says the contrary of this; and will you agree in opinion that the charge in the indictment of "circulating" and "recommending" these books, has the slightest shadow of support? Gentlemen, I will tell you the reason why I did not recommend Mr. Paine's books to the Societies in Scotland, and why I declared them foreign to their purpose. Mr. Paine is a Republican, and the spirit of Republicanism breathes through all his writings. This is his darling system. Whereas the object of these Societies was, by Constitutional means, to procure a reformation in the Constitution, and not a revolution, which implied its destruction. In other words, their object was to have their long lost rights restored, but not by the assumption of new rights derived from a different system. Gentlemen, I am happy to find the people of Scotland rapidly advancing to a true sense of their Constitutional liberties—to see them *demanding* to have the Constitution restored to its genuine principles, in order that they may behold their liberties confirmed, and their happiness established. That they should advance with more ardour in this cause, it was necessary that they should *know* the Constitution, what it had been in its vigour, and what it now is in its decay, by the corruption of men and of ages. And pray what did I do to effectuate these legal and enviable objects? I did not present to the people the splendid fabrics of ancient or of modern Republics. I wished them to keep their eyes confined at home, to repair their own mansion, rather than pull it down, and not to expose themselves to the inconveniences and dangers of building upon new plans, the advantages or disadvantages of which could only be known by the uncertain experience of future ages. All the witnesses who speak of my conduct in the Societies, tell you that I recommended none but Constitutional measures—and that the only book which I recommended to them was Henry's History of England, the best calculated, by its accuracy and plainness, to give them insight into the nature and progress of the Constitution.

Gentlemen, Having already explained the principle on which I refused to recommend the works of Mr. Paine; I again ask, was it ever before held criminal in an author to publish what speculative systems

of government he pleased, provided he confined himself to mere speculation, and did not advance forth to the field of action? Was it a crime of Plato, under the Athenian Republic, to compose his beautiful system? Was it high treason in Cicero, under the Roman Commonwealth, to write those renowned works which have been lost in the darkness of the Gothic night, and of which a few fragments could only be found when the morning of letters began to dawn upon Europe? Was Sir Thomas More led forth to the scaffold for composing his Utopia? Harrington proscribed for his Oceana? Or Hume expelled for his Commonwealth? No, Gentlemen, these authors indulged themselves in a liberty, which, if we are now to be deprived of, must leave this land in darkness and despair, since the attempt at amendment and reformation will be forever precluded.

Gentlemen, I now close my observations on the subject of Mr. Paine's works, by calling you to remember that it was only a single copy which I lent; and the circumstances attending which, admitting the book to be as seditious and as treasonable as can be imagined, utterly excludes the idea of a "*felonious*" circulation on my part. You are the first Jury in Scotland before whom Mr. Paine's works have yet been brought. I trust you will act in such a manner as to do honour to yourselves, in doing justice to him and to me—that you will not attempt to annihilate political science—that, in this country, where our chief glory has arisen from literature, you will not limit her researches, but that you will rather indulge her in her unbounded flight into every region where the materials of human happiness and human improvement can be collected. Finally, I must tell you, that you are not bound by what any Jury has done in England—you are bound by the law of Scotland. But even the decisions in England have lost the respect due to them, although they were to be held out as precedents; for we have seen Juries one day condemning the author and the publishers, and on the succeeding day we have seen other Juries pronounce a verdict of acquittal.

Gentlemen, The next witness is Ann Fisher, a late servant in my father's house. Her evidence comes forward to you with peculiar distinction—caressed by the Prosecutor, and complimented by the Court. I will soon shew you, Gentlemen, that she has but few pretensions to that accuracy of which the Lord Advocate spoke in such high terms—and that her memory pos-

sesses a singular quality, retentive to whatever may militate against me, but hesitating and confused to whatever may seem in my favour. What this domestic, and well-tutored spy, has given in evidence against me, fills my mind with little concern. On the contrary, it affords me much satisfaction to find, that, when I was surrounded in the place where I expected most security—where all suspicion was lulled asleep, my conduct was so guarded. What do I say?—guarded!—Innocence, Gentlemen, has no need to be on the watch.

Even malice itself cannot condemn my conduct. But before I proceed to read her evidence from my notes, let me solemnly caution you against the dangerous precedent of giving credibility to witnesses of this kind, under accusations of this nature. The crime of sedition, if you attend to its essence, never can be committed within the walls of a private house. It supposes the highest publicity—the convocation of many individuals together. But if power shall say that words spoken in an unguarded moment within the sacred walls of a family, amount to this crime, what will follow? Not those with whom you have acted in your political life, and who, with the impression of the oath of God upon them, can best tell the truth—not those whom you may have admitted to your friendship, and to your confidence, and who best know the secrets of your soul; but the meanest of your domestics, who could hardly approach your presence, even in their menial duties, if the expression may be used, to whom the members of a family are almost unknown;—these!—these!—the meanest and the lowest, will be brought forward to swear away your property, your reputation, and your life! And such, Gentlemen, is this witness, who is adduced against me with such parade. Oh, Gentlemen, beware how you sanctify this shameful proceeding. It is not me you wound alone, but you destroy the confidence which subsists between man and man—you lead, by your own hands, to the fire-sides of your children and your dearest relations, the fiends of suspicion and of danger: and you for ever put an end to that reciprocity of communication, which enlivens and endears domestic society. But let us hear what this witness has to say. I will read you from my notes her evidence. If I have erred in taking it down, I will of course be corrected. [Here Mr. Muir read the evidence of Ann Fisher.] Gentlemen, the testimony of this witness seems to relate to

two of the principal charges in the indictment. The *first*, to my having made speeches in public societies, vilifying the King and Constitution; the *second*, to my having distributed and recommended seditious books, viz. Mr. Paine—the Patriot, &c. Under these two different articles let us examine the testimony of this witness.

Gentlemen, The Prosecutor has told you that he could adduce any thing against me he pleased, under the *generality* of the term sedition, even though it should not be specified in the libel. The Court has permitted him to do so: and in the case of this witness, you may see the dangerous effect of such doctrine. Gentlemen, I am accused of making seditious harangues in *public*, but this servant girl is adduced to swear to what she says she may have heard in *private*, when she was probably instructed to take her watch, and mark to destruction those who fed her. But what is the dreadful language she has heard me use, even in my unguarded moments? I will repeat what she says—I will recite to your remembrance her express words, which were—“that if every body had a vote, I would be member for Calder—that members of Parliament would have 30s. or 40s. a-day, and in that case, there would be none but honest men to keep the Constitution clear.” Gentlemen, you remember how the Public Prosecutor expatiated on these words of this witness. After labouring long in vain, he now fancied he had got something against me. I smiled at the indecency of his exultation at this part of the proceeding, but next moment I pitied him when I reflected he was a lawyer and chief Counsel for the Crown in Scotland. Here, said the Prosecutor, “You see the cloven foot!—you see French principles manifested!—here you discover the whole tincture of his soul.—Members of Parliament to have 30s. or 40s. a-day for their attendance!—to be honest men, and to keep the Constitution clear! Is not this evidence that he means to introduce in place of our House of Commons a National Convention, on French principles?”

Gentlemen, Sorry am I to see the ignorance of this Lord Advocate of Scotland. Is there a man who has opened the volume of the History of our Constitution, who does not know, that until a very late period indeed, when corruption glided in, and tainted and poisoned it,—Members of Parliament received their wages from the hands of the people alone? Oh, how I speak it with joy when I review the past

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Gentlemen, The next article of sedition to which she depones, is of the most extraordinary kind, viz. that I had sent her

**"Lay the proud usurpers low!
Tyrants fall in every foe!
Liberty's in every blow,
Forward! let us do or die!"**

to employ an organist, on the streets of Glasgow, to play the French tune, *Ca Ira*. What! Gentlemen! was a tune like this to lighten up the flames of civil discord, and to be the forerunner of this most terrible revolution? Have you read the words of that most popular song—and can you discover a single allusion in them to the state of England? Gentlemen, England has always cherished Freedom; and shall it be deemed criminal in me to listen to the effusions of joy poured out by a neighbouring people, on obtaining that first of human blessings, which always constituted our peculiar distinction?

and when you examine his evidence, you will see he gives her the flattest contradiction. She swore that she bought at two different times for my uncle, Alexander Muir, at my request, a copy of the first part, and a copy of the second part of the Rights of Man. Can you suppose that if my intentions had been "felonious" I would have introduced such writings into my own family? Can you imagine that I would have wished to involve in the conflagration of my country my nearest relations, to whose property I may eventually succeed? Why is Alexander Muir not brought forward as a witness? Certain it is, that he was closely interrogated before the inquisition held by Mr. Sheriff Honyman. But the Lord Advocate says that his feelings would not permit him to examine the uncle against the nephew.—Goodness ever to be remembered and extolled! But, my Lord, (turning to the Lord Advocate,) did you not advise and direct the whole proceedings against me, and will you have the effrontery to maintain that Alexander Muir was not dragged like a felon from his own home by the myrmidons of power,—carried before your friend Honyman,—and that every art was employed to wring from him every domestic secret?

Speak, then, to us of your humanity!—Aye! Continue to speak to us of your feelings!

Gentlemen, Fisher next swears that I pressed John Muir to purchase Paine's works—that he was prevailed upon, and that she was sent to purchase them. Now you heard the evidence of this man in express contradiction to this witness. She next tells you that I advised another domestic, Wilson my hair-dresser, to purchase Paine's works and keep them in his shop, "in order to enlighten the people," and you heard Wilson express himself far otherwise. She speaks of carrying some paper which she thinks was a Declaration of Rights to a printing-office to be corrected.—Every thing in her evidence is made to tally with the indictment. I am there accused of circulating a paper entitled a Declaration of Rights by the Friends of Reform in Paisley; and this respectable personage, so highly complimented by the Court, must likewise swear something concerning it. Yet her tenacious memory utterly fails her here. She thinks she can only remember what the title was, but nothing more. She knows nothing of the substance of the writing,—but her evidence is to give a colour to the allegation of my having circulated that

paper from Paisley, and to furnish ground for insinuating that I was the author of it.

Gentlemen, The witness next swears to a fact which must rouse your keenest indignation. Vigilant has this family-spy been in the course of her duty. She tells you what books she has seen on my table, &c. Gentlemen, from this moment lock up your libraries. If they are extensive as you have heard mine is, there is no crime in the whole decalogue, of which, by the testimony of your own servants, you may not be found guilty. The possession of Plato, of Harrington, or of Hume, will mark you down for Republicans. The misfortune of having the Koran of Mahomet will cause the shipwreck of your faith, and stigmatize you as the disciples of the conqueror of Mecca. Well do I congratulate the Lord Advocate of Scotland. He has discovered a new region in the sphere of criminality—he will not merely confine himself to one voyage of discovery, but, along with his associates, he will make many voyages to this fertile land, and return home loaded with many valuable cargoes. But seriousness becomes this place. Can it be believed, that in the close of the 18th century,—that this night,—the servants of a man should be examined concerning what particular books he may have had in his house, and that the proof of possession of particular books may ruin his reputation—sweep away his property—and deprive him of his life! Gentlemen, If you possess the common feelings of men, every sentiment of indignation must be excited, not against this witness, for she is rather to be pitied, but against the manner in which this crime of sedition has been attempted to be proved.

Gentlemen, The libel charges me with "*feloniously* circulating a Dialogue between the Governors and the Governed," extracted from the Ruins of Volney.

This Dialogue is narrated in the indictment, and it is charged to be felonious and seditious. There is not a word in this Dialogue which is not true. Alas! in colours but too faithful, it delineates the mournful history of six thousand years,—the crimes of despots, and the artifices of impostors, to subjugate and to blind the people. It is purely abstracted. It is entirely speculative. To no particular nation, much less to England, does it allude—if to any it must be to France under the ancient system. Yet this Dialogue is libelled as seditious and inflammatory. The truth is, the crime of sedition must be brought home against me,

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and the possession of *any* book, as well
as that of Volney, might be employed to
substantiate it. Let us hear what the
witness says concerning the "*felonious*"
circulation. She heard me read it in pre-
sence of my mother, sister, and some other
people—that I said it was very clever, and
done by one of the first wits in France.
Who were those "other people," that
were in company with my mother and
sister, when I read it? Her accuracy, so
much extolled by the Court, again totally
fails her here. But the propagation of
sedition must not be confined to a mother
and a sister,—it must have a wider range;
"*other people present!*" and founding up-
on his beloved generality, the Prosecutor
has reason to argue that there might have
been a full company—a numerous meet-
ing—nay, an immense congregation!

Gentlemen, You have heard the testi-
mony of Fisher, and are these the arts by
which I am to fall? I again say, that if
you receive such testimony, you for ever
destroy domestic society—you blast the
sweets of family confidence. And is it
not sufficient to weep over public calami-
ties without thinking, that when we re-
tire to our own homes, we must be obliged
to confine ourselves in dismal solitude,
guarded by suspicion and by danger, where
no kindred affections can enter, and where
no reciprocal consolation can be admitted?

Gentlemen, I hasten over the evidence
of the remaining witnesses against me. I
am overcome by the exertions of this day;
and you must be greatly exhausted.

The next is the evidence of Thomas
Wilson, my hair-dresser, and he is brought
to bring up the rear of Fisher's testimony.
He deposes, that I asked him if he had
bought a copy of Paine's works, and that
I advised him to get a copy of them, as a
barber's shop was a good place to read in.
Does this confirm the testimony of Fisher,
who says I *desired* him to buy that work,
and "to keep it in his shop in order to
enlighten the people?" Mark the art of
Fisher. How strongly she paints what
might seem to strike against me—"to en-
lighten the people!" But does Wilson
concur in this? No. He tells you, that
he bought a copy of the Address to the
Addressors; but *not* by my advice. He
even recollects the levity of conversation.
An *old* man from the country came in
while he was dressing me. He remem-
bers I said, that this old man was a great
reformer. If I ever said so, I wish it may
not have been in jest, but in earnest, and
that the fact with regard to the man was
true; for, Gentlemen, I know of none

who should be greater reformers of them-
selves and of others, than those who are
standing on the brink of the grave, or
hastening to eternity. But I am afraid
that this witness only remembers a piece
of unmeaning gaiety; for he adds, the old
man said, "I was taunting him."

Gentlemen, The conclusion of the evi-
dence of Wilson affords me much conso-
lation. It is a proof of the innocency of
my private life, in moments when I could
not possibly think of the affectation of in-
tegrity. He swears that he has always
heard me say, that I would "maintain the
Constitution;" and that I wished for
"peace and good order," and "good mor-
als among the people;" and that he
"never heard me speak against the king."

The next testimony is that of John
Muir. He tells you, that he had a con-
versation with me in September last about
Paine's book in my father's house; that
he asked the loan of it from me; that I
told him I had it not. Does this resemble
the conduct of a man accused of distri-
buting these books to all and sundry, and
scattering them over every portion of the
land? He says, I mentioned I would
send a servant who would get it for him;
that a servant girl accordingly went and
got it. Does not this completely confute
the testimony of Fisher, who affirms that
I much "pressed" this man to purchase
that book? since he tells you, that he
himself asked the loan of it? Is not this
a complete contradiction of her testimony?

The next witness is John Barclay, that
old and venerable person, whom you saw
adduced as a witness by the Prosecutor,
and who informs you, that we were Elders
in the same parish—the parish of Calder,
in which the lands of my father are situ-
ated. Gentlemen, the Lord Advocate, in
speaking of this virtuous and venerable
old man, exclaimed with insolent con-
tempt, "Such men as *these* are the com-
panions, and *such* men as *these* are the
friends of Mr. Muir!" Yes; I tell the
Lord Advocate—I tell the Aristocracy of
Scotland—I glory more in the friendship
of such an old, poor, and virtuous man,
than in the friendship of the highest titled
Peer, who derives the sources of his guilty
grandeur from the calamities of the peo-
ple;—who wrings out a splendid, but a
miserable revenue, from their sorrow and
distress,—from their tears,—and from
their blood,—which he squanders in dis-
ipation,—to the ruin of private virtue,—
and to the contamination of public mor-
als.

Let us see, then, what Mr. Barclay says

against me;—that “he asked my opinion concerning Paine’s books,”—that I told him he might purchase them if he chose, as they were printed,—but that I afterwards said “they were not books for us.” Does Mr. Barclay’s evidence support the criminal charge in the libel, of my *advising* people to purchase seditious books, and of my *circulating* them over the country? Does not Mr. Barclay’s evidence shew that I never recommended Mr. Paine’s works, and said that they were not works for us, who were simply engaged in the cause of a Parliamentary and Constitutional Reform? Gentlemen, is there a single witness brought forward by the Prosecutor, who has in the smallest degree stated any conversation of mine which was unconstitutional? Hear what Mr. Barclay says:—he was frequently with me, and in my library, from which he borrowed books;—that he had many conversations with me, and heard me say, that the Constitution of this country was an excellent one:—that I praised the king, and always spoke of order, regularity, and obedience to the ruling powers. In short, Gentlemen, the best of the witnesses for the prosecutor use the same uniform language,—attest that neither in public nor in private, a single expression ever dropped from me, which the most violent assessor could construe into guilt.

The last witness of whom I shall take notice is William Muir, the person whose religious principles at first induced him to suffer, according to the elegant expression of the Lord Advocate, *eternal* imprisonment, than to take the oath, until his scruples were removed by the Rev. Mr. Dun. He swears, that in my father’s house, at Huntershill, I gave him eleven numbers of the Patriot, and a copy of the Political Progress. From these numbers of the Patriot several passages are quoted in the indictment. Of the Political Progress there is no mention made; and I maintain that every passage in the Patriot, quoted in the libel, is highly constitutional. The sentiments advanced in them may not sound musically sweet to the ears of corruption. They call upon the people to arise and vindicate the purity of the Constitution—to vindicate their long lost rights; and, Gentlemen, if my feeble voice could extend to the remotest corners of Scotland, I should resound the same sentiment in the same language. These numbers of the Patriot speak to you concerning Septennial Parliaments. And I say, that the Act which converted Triennial Parliaments into Septennial, violated

our Constitution, tore the charter of our national liberties, and paved the way for the inroads of a frightful despotism. But this witness concurs with all the preceding witnesses in regard to my conduct and principles. He swears that he does not remember to have heard me speak against Government;—that I did not advise unconstitutional measures, and that he heard me tell how Old Sarum was represented. Old Sarum represented!—Do not the friends of the Constitution weep, and do not the enemies of the Constitution smile, when they hear of *such* representation?

Gentlemen, Before I speak to the third article of accusation, the reading in the Convention the Address of the Society of United Irishmen of Dublin, permit me to make one observation on the manner in which the Prosecutor spoke of the papers found in my custody. Do they correspond with the view which he presented of them? Are they the documents of correspondence with foreign or internal foes? No, Gentlemen. Among my papers there is not one which can be construed into anything like guilt. They consist of pamphlets, unconnected with the politics of the day, and of the various publications of a Society, pure and untainted in its principles, of which I have the honour to be a member. But every thing must be ransacked to heap crimination upon my head. One of the letters which I had undertaken to deliver in Scotland, is addressed to the Rev. Fyfe Palmer. “Mark!” cries the Lord Advocate, “the company which this man keeps. Who (says he,) is Mr. Palmer, but a person who is likewise indicted for sedition, and who is to be tried in a few days at Perth.” Unheard of cruelty—unexampled insolence! What! before this Court—this Jury—this audience—do you [looking in the face of the Lord Advocate,] attempt to prejudicate and condemn Mr. Palmer in his absence, undefended, and without any possibility of defending himself? But, exclaims the Lord Advocate, the “seal upon the letter” is a proof of the most atrocious guilt. Gentlemen, what is it? Horrible to tell! it is the Cap of Liberty! supported upon a spear, with the words *Ca Ira* above! Gentlemen, all this is perfectly consistent. When you attempt to banish the *substance* of freedom, the shadow must follow! When a new coinage takes place his Lordship has given a most excellent hint. The officers of the Mint will surely profit by the lesson, and they will no more scatter sedition throughout the land, by im-

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pressing upon our halpennies the figure
of Britannia, with a spear in her hand,
mounted with the Cap of Liberty! But
I am ashamed to enter into such trifles.

Gentlemen, I now come to the last
charge—that of having read in the Con-
vention of Delegates, the Address from
the Society of United Irishmen in Dub-
lin. Gentlemen, I admit the fact, and I
glory in the admission. The Prosecutor
has represented that Society as a gang of
mean and nefarious conspirators; and
their diploma of my admission into their
number, as an aggravation of my crime.
Gentlemen, let me tell the Lord Advo-
cate of Scotland, that that Society stands
too high to be affected by his invective,
or to require the aid of my defence. I
am a member of that Society; and in the
last moments of my life, to have been so
shall be my honour and my pride. The
Lord Advocate has represented to you in
general terms, that that Address amounts
almost to treason, but he durst not at-
tempt to point out in his speech a single
passage which could support the aspersion.
I maintain that every line of that Address
is strictly constitutional. You must carry
the *whole* of it along with you, and not
judge of particular passages scandalously
mutilated in the indictment. Gentle-
men, I will read over many passages of
this Address, not merely because they are
the production of an immortal pen, but
because every word is regulated by the
spirit of the Constitution. [Here Mr.
Muir read the Address.]

Gentlemen, The Lord Advocate, how-
ever, has represented the authors of this
Address, as the meanest of mankind, and
has expressly called them "*infamous*
wretches who had fled from the punish-
ment due to their crimes." What slan-
der!—what false—unfounded slander!
Has Doctor Drennan—has Mr. Hamilton
Rowan, whose names are at the head of
this address, fled from crimes and from
punishment?—and they are "*infamous*
wretches!" Gentlemen, if ever after ages
shall hear of my name, I wish it may be
recorded, that to these men I had the hap-
piness of being known. To be honoured
by the notice of Dr. Drennan is an am-
bition to which, in the most exalted sta-
tion of life, I would fondly aspire. To
have it said that I was the friend of Mr.
Hamilton Rowan, I would consider as the
passport to the only acquaintances whom
I value,—those who found their claim to
distinction upon the only true basis, I
mean their own virtues. Mr. Rowan is
indeed indicted to stand trial in Ireland

upon a charge similar to my own. He
will boldly meet his accusation—and let
me say along with those who know him,
that although it is impossible to add new
lustre to his character, yet as he has of-
ten come forward in the cause of indi-
vidual humanity, he will display himself up-
on that occasion, the firm,—the intrepid,
—and I hope the successful champion of
the liberties of his native country.

Gentlemen, I hasten to a conclusion.
Much yet remains to say. But after, up-
on my part, the unremitting exertion of
sixteen hours, I feel myself nearly ex-
hausted.

Look once more, I entreat you, to the
indictment, and compare it with the evi-
dence.

The *first* charge against me is, that, in
public speeches, I vilified the King and
Constitution. All the witnesses adduced,
attest, that both in public and in private,
even in my most unguarded moments,
my language was always respectful to the
King, and that I always recommended
the Constitution.

The *second* charge against me is, that
of advising the people to read seditious
books, and of distributing inflammatory
publications among them. And you hear
it proved, by the almost unanimous voice of
the witnesses for the Crown, that I refused
to recommend any books, and that the
only one which I recommended was Dr.
Henry's History of England. You will
not forget the circumstances in which I
lent Freeland a copy of Paine's works;
nor will you forget the manner in which
the writings of that man were introduced
in conversation with Wilson, Muir, and
Barclay. With regard to other books
and pamphlets mentioned in the libel,
there is not any proof. Wm. Muir has
deposed, that I gave him one or two num-
bers of the Patriot, and some other pam-
phlets, whose titles I cannot remember.
Gentlemen, I frankly acknowledge that
I gave him those numbers of the Patriot;
and if I were not now entirely overcome
by fatigue, I could demonstrate to you,
that, in those numbers, there is not a sin-
gle sentiment unconstitutional or seditious.

I am accused of reading the Irish Ad-
dress in the Convention, and of moving
a solemn answer in return. That address
is "*neither seditious, wicked, nor inflam-
matory.*" There is not a sentence in it
which I have not defended in your pre-
sence. Gentlemen, you neither can do
justice to me, nor to the country, if you
condemn these different publications, up-
on account of the scandalously mutilated

extracts from them in the libel. You must carry the whole of them along with you from this place. It is not upon detached passages you are to judge; but you must decide upon the whole.

Gentlemen of the Jury, This is perhaps the last time that I shall address my country. I have explored the tenor of my past life. Nothing shall tear from me the record of my former days. The enemies of Reform have scrutinized, in a manner hitherto unexampled in Scotland, every action I may have performed—every word I may have uttered—of crimes most foul and horrible have I been accused—of attempting to rear the standard of civil war—to plunge this land in blood—and to cover it with desolation. At every step as the evidence of the Crown advanced, my innocence has brightened. So far from inflaming the minds of men to sedition and to outrage, all the witnesses have concurred that my only anxiety was to impress upon them the necessity of peace, good order, and good morals. What, then, has been my crime? Not the lending to a relation a copy of Mr. Paine's works—not the giving away to another a few numbers of an innocent and constitutional publication—but my crime is *for having dared to be, according to the measure of my feeble abilities, a strenuous and active advocate for an equal Representation of the People in the House of the People*—for having dared to accomplish a measure, by legal means, which was to diminish the weight of their taxes, and to put an end to the profusion of their blood. Gentlemen, from my infancy to this moment, I have devoted myself to the cause of the People. IT IS A GOOD CAUSE—IT SHALL ULTIMATELY PREVAIL—IT SHALL FINALLY TRIUMPH. Say, then, openly, in your verdict, if you do condemn me, which, I presume, you will not—that it is for my attachment to this cause alone—and not for those vain and wretched prettexts stated in the indictment, intended only to colour and disguise the real motives of my accusation.

Gentlemen, the time *will* come, when men must stand or fall by their actions—when all human pageantry shall cease—when the hearts of all shall be laid open. If you regard your most important interests—if you wish that your conscience should whisper to you words of consolation, or speak to you in the terrible language of remorse, weigh well the verdict you are to pronounce. As for me, I am careless and indifferent to my fate. I can look danger, and I can look death in the face,

for I am shielded by the consciousness of my own rectitude—I may be condemned to languish in the recesses of a dungeon—I may be doomed to ascend the scaffold. Nothing can deprive me of the recollection of the past,—nothing can destroy my inward peace of mind, arising from the remembrance of having discharged my duty.

When Mr. Muir sat down, an unanimous burst of applause was expressed by the audience. (He spoke nearly three hours—commenced his address at 10 at night, and finished about 1 on Saturday morning.)

The LORD JUSTICE CLERK shortly summed up the evidence. His Lordship said that the indictment was the longest he had ever seen; but it was not necessary to prove the whole, in order to find the panel guilty, for the Jury had only to look at the concluding sentence of the indictment, from which it was plain, that if any one part of the libel was proven, it established the guilt of the panel the same as if the whole was substantiated.

Now (said his Lordship), this is the question for consideration: Is the panel guilty of sedition, or is he not? Now, before this question can be answered, two things must be attended to that require no proof. *First*, That the British Constitution is the best that ever was since the creation of the world, and it is not possible to make it better. For is not every man secure?—does not every man reap the fruits of his own industry, and sit safely under his own fig-tree? The *next* circumstance is, that there was a spirit of sedition in this country last winter, which made every good man very uneasy. And his Lordship coincided in opinion with the master of the Grammar-school of Glasgow, who told Mr. Muir that he thought proposing a Reform was very ill-timed. Yet Mr. Muir had at that time gone about among ignorant country people, making them forget their work, and told them that a Reform was absolutely necessary for preserving their liberty, which, if it had not been for him, they would never have thought was in danger. His Lordship did not doubt that this would appear to them, as it did to him, to be sedition.

The next thing to be attended to was the outlawry. Running away from justice—that was a mark of guilt. And what could he do in France at that period?—pretending to be an ambassador to a foreign country, without lawful authority, *that* was rebellion; and he pretends to have had influence with those wretches,

by the consciousness of—I may be condemned to descend the scaffold,—nothing can dis-peace of mind, arising from the consciousness of having discharged

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THE CLERK shortly summed up. His Lordship said that it was the longest he had ever heard of. It was not necessary to say in order to find the panel guilty. The jury had only to look at the sentence of the indictment. It was plain, that if any man was proven, it established the panel the same as substantiated.

His Lordship, this is the consideration: Is the panel guilty or is he not? Now, because he can be answered, two questions attended to that require

That the British Constitution that ever was since the world, and it is not possible. For is not every man reaping what he sows in industry, and sit safely under the tree? The next circumstance was a spirit of sedition last winter, which made

very uneasy. And his Lordship was in opinion with the grammar-school of Glasgow. Mr. Muir that he thought the form was very ill-timed. At that time gone about the country people, making work, and told them that it was absolutely necessary for property, which, if it had not been they would never have

anger. His Lordship did not say would appear to them, but to be sedition.

g to be attended to was running away from justice, mark of guilt. And what chance at that period?—an ambassador to a foreign country without lawful authority, and he pretends to deal with those wretches,

the leading men there. And what kind of folks were they? His Lordship said, *he never liked the French all his days, but now he hated them.*

The panel's haranguing such multitudes of ignorant weavers, about their grievances, might have been attended with the worst consequences to the peace of the nation, and the safety of our glorious constitution.

Mr. Muir might have known, that no attention could be paid to such a rabble. What right had they to representation? He could have told them that the Parliament would never listen to their petition. How could they think of it? A Government in every country should be

a Corporation, and in this country it has a right to be represented. The rabble, who have nothing but property, what hold has the nation

them? What security for the payment of their taxes? They may pack up all their property on their backs, and leave the country in the twinkling of an eye, but landed property cannot be removed.

The tendency of the panel's conduct was plainly to promote a spirit of revolt, and if what was demanded was not given, to take it by force. His Lordship had not the smallest doubt that the jury were like himself, convinced of the panel's guilt, and desired them to return such verdict as would do them honour.

The Court retired at two o'clock on Saturday morning, and met again at 12 o'clock of the same day, when the jury returned a verdict unanimously finding the panel "Guilty of the crimes libelled."

The verdict being recorded, the Lord Justice Clerk addressed the jury, and said that this trial had been of the greatest importance. He was happy that they had bestowed so much attention upon it, and informed them that the Court highly approved of the verdict they had given. He then desired their Lordships to state what punishment should be inflicted, which they did to the following purport.

LORD HENDERLAND observed, that the alarming situation in which this country was, during the course of last winter, gave uneasiness to all thinking men. His Lordship said, that he now arrived at the most disagreeable part of the duty incumbent upon him, which was, to fix the punishment due to the crime of which the panel was found guilty. The indictment contained a charge of sedition, exciting a spirit of discontent among the in-

ferior classes of people, and an attack against the glorious constitution of this country. The jury, by the verdict which they had returned, and to which the Court had alone recourse, had found the panel guilty; and it was their Lordships' duty only, now to affix the punishment due to the offence. His Lordship said he would not dwell upon the evil consequences of the crimes committed by the prisoner.

The melancholy example of a neighbouring country, which would for ever stain the page of history, rendered it unnecessary for him to recapitulate the circumstances of the case. In that country, the consequences of such measures have produced every kind of violence, rapine, and

There appeared, he said, to have been in this country a regular plan of such measures. The indecent appearance which was given to Mr. Muir last night, at the conclusion of his defence, within these walls, unknown to that High Court, and inconsistent with the solemnity which ought to pervade the administration of justice, and which was insulting to the laws and dignity of that Court, proved to him that the spirit of sedition had not as yet subsided. He would not, he said, seek to aggravate the offence committed by the panel, by the misconduct of others, in order to increase the punishment. The punishment to be inflicted is arbitrary, of which there is a variety.

Banishment, he observed, would be improper, as it would only be sending to another country, a man, where he might have the opportunity of exciting the same spirit of discontent, and sowing with a plentiful hand sedition. Whipping was too severe and disgraceful, the more especially to a man who had bore his character and rank in life. And imprisonment, he considered, would be but a temporary punishment, when the criminal would be again let loose, and so again disturb the happiness of the people. There remains but one punishment in our law, and it wrung his very heart to mention it, viz. *transportation*. It was a duty his Lordship considered he owed to his countrymen to pronounce it, in the situation in which he sat, as the punishment due to the panel's crimes. His Lordship observed, it was extraordinary that a gentleman of his description, of his profession, and of the talents he possessed, should be guilty of a crime deserving such a punishment; but he saw no alternative; for what security could we have against his future operations, but a removal from his country, to a place where he could do no

further harm? His Lordship was therefore of opinion, that the pannel should be recommitted to prison, there to remain till a proper opportunity should offer for transporting him to such place as his Majesty, with the advice of his Privy Council, might appoint, for the space of fourteen years from the date of the sentence; and that he should not return within that period, under the pain of death.

LORD SWINTON.—The crime with which the pannel is, by a Jury of his country, found guilty, is sedition. It is a generic crime—defined by our lawyers to be a commotion of the people without authority, and of exciting others to such commotion against the public welfare. This crime, he observed, consisted of many gradations, and might have run from a petty mob about wages, even to high treason. He thought the punishment should be adapted to the crime. The question, he said, then was, what was the degree of the crime the pannel has been guilty of?—and that was to be discovered from the libel, of which he has been found guilty by the unanimous verdict of the Jury. It appeared to his Lordship to be a crime of the most heinous kind, and there was scarcely a distinction between it and high treason, as by the dissolution of the social compact, it made way for, and so might be said to include every sort of crime, murder, robbery, rapine, fire-raising, in short, every species of wrong, public and private. This, he observed, was no theoretical reasoning, for we had it exemplified before our eyes in the present state of France, where, under the pretence of asserting liberty, the worst sort of tyranny was established, and all the loyal and moral ties which bind mankind were broken. Nay, shameful to tell, even religion itself was laid aside, and publicly disavowed by the National Convention. And in this country certain wretched persons had assumed to themselves, most falsely and insidiously, the respectable name of Friends of the People and of Reform, although they deserved the very opposite denomination; by which means they have misled and drawn after them a great number of well-meaning, though simple and unwary people. If punishment adequate to the crime were to be sought for, there could be found no punishment in our law sufficient for the crime in the present case, now that TORTURE* is happily abolished.

* The use of Torture was only put an end to, in Scotland, by an Act of the British Parliament in 1708.

By the Roman law, which is held to be our common law where there is no statute, the punishment was various, and transportation was among the mildest mentioned. Paulus l. 38, Dig. de Pensis, writes, *Actores seditionis et tumultus, populo concitato, pro qualitate dignitatis, aut in furcam tolluntur, aut bestiis obijciuntur, aut in insulam deportantur*. We have chosen the mildest of these punishments. By the *Code*, lib. 9, t. 30, de seditionis et his qui plebem contra rempublicam audent collegere, l. 1 and 2, such persons are subjected ad multam gravissimam. Baldus writes, *Provocans tumultum et clamorem in populo, debet mori, pena seditionis*. And by a Constitution of the Emperor Leo, *Subdandos autem penis eis quas de seditionis et tumultus auctoribus vetustissima decreta sanxerint*.

The sole object of punishment among us is only to deter others from committing the like crime in time coming; therefore, the punishment should be made equal to the crime. All that is necessary is, that it serve as an example and terror to others, in time coming, against a repetition of the like offence. In the present case, he thought that transportation was the lightest punishment that could be assigned, and that for the space of fourteen years.

LORD DUNSMUNN concurred.

LORD ABERCROMBIE.—His Lordship did not think it necessary to say much as to the enormity of the crime, after what had been already said. By our law it might have amounted to treason, and, even as the law now stands, it came very near it. He observed that Mr. Muir, last night, when conducting his defence, had stated, and which was marked, and it had great weight with him, "That the people should be cautious, and by all manner of means avoid tumults and disorders; for, through time, the mass of the people would bring about a revolution." [Here Mr. Muir rose and said, "I deny it, my Lord—it is totally false."] If any thing could add to the improper nature of the pannel's defence, it was his pretended mission to France, and the happiness he expressed in the circle of acquaintance he had there. It was evident, said his Lordship, that his feelings did too much accord with the feelings of those monsters. His Lordship coincided with the rest of their Lordships, in regard to the punishment which they thought Mr. Muir deserved.

LORD JUSTICE CLERK.—His Lordship said he was considerably affected to see the pannel tried for sedition, a man who had got a liberal education—was member

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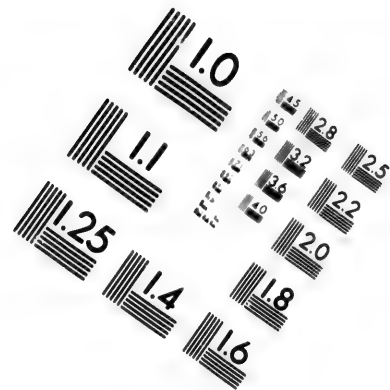
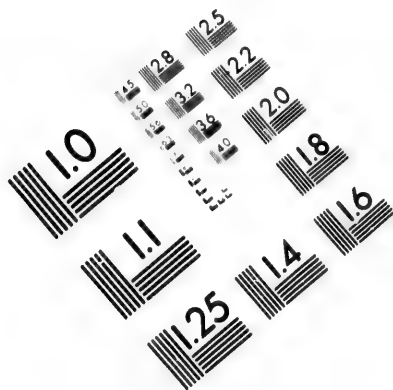
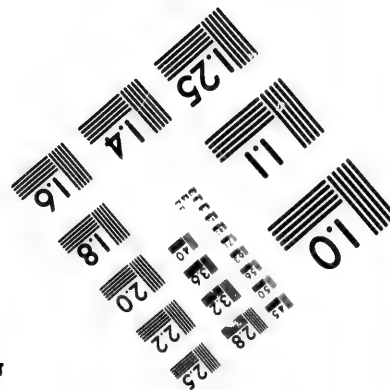
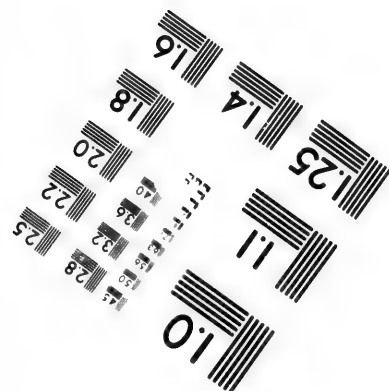
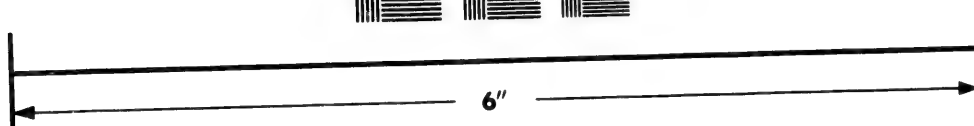
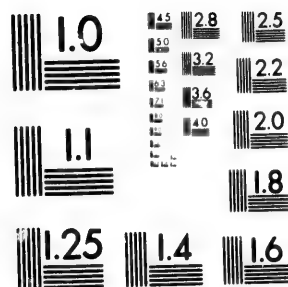


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of a respectable society—possessed considerable talents—and had sustained a respectable character. His Lordship considered the very lowest species of this crime as heinous, and that it was aggravated according to the object in view. Here the object was important; for it was creating in the lower classes of people disloyalty and dissatisfaction to Government, and this amounting to the highest sort of sedition is bordering on treason, and a little more would have made the pannel stand trial for his life.

His Lordship agreed in the propriety of the proposed punishment, and he observed, that the indecent applause which was given the pannel last night convinced him, that a spirit of discontent still lurked in the minds of the people, and that it would be dangerous to allow him to remain in this country. His Lordship said, this circumstance had no little weight with him, when considering of the punishment Mr. Muir deserved. He never had a doubt but transportation was the proper punishment for such a crime, but he only hesitated whether it should be *for life*, or for the term of fourteen years. —The latter he preferred, and he hoped the pannel would reflect on his past conduct, and see the impropriety which he had committed; and that if he should be again restored to his country, he might still have an opportunity of showing himself to be a good member of that Constitution which he seemed to despise so much.

After his Lordship had delivered his opinion, and during the time the sentence was recording, Mr. Muir rose and said:—

My Lords, *I have only a few words to say.* I shall not animadvert upon the severity or the leniency of my sentence.

Were I to be led this moment from the bar to the scaffold, I should feel the same calmness and serenity which I now do. *My mind tells me that I have acted agreeably to my conscience, and that I have engaged in a GOOD, a JUST, and a GLORIOUS cause, — A CAUSE WHICH, SOONER OR LATER, MUST AND WILL PREVAIL, AND BY TIMELY REFORM, SAVE THIS COUNTRY FROM DESTRUCTION.*

“ SENTENCE.

“ The Lord Justice Clerk and Lords Commissioners of Justiciary having considered the foregoing verdict, whereby the assize, all in one voice, find the pannel guilty of the crimes libelled—the said Lords, in respect of the said verdict, in terms of an Act passed in the 25th year of his present Majesty, entitled ‘an Act for the more effectual transportation of felons and other offenders in that part of Great Britain called Scotland,’ ordain and adjudge, that the said Thomas Muir be transported beyond seas to such place as his Majesty, with the advice of his Privy Council, shall declare and appoint, and that for the space of fourteen years from this date; with certification to him, if after being so transported he shall return to, and be found at large, within any part of Great Britain, during the said fourteen years, without some lawful cause, and be thereby legally convicted, he shall suffer death, as in cases of felony, without benefit of clergy, by the law of England.—and ordain the said Thomas Muir to be carried back to the tolbooth of Edinburgh, therein to be detained till he is delivered over, for being so transported, for which this shall be to all concerned a sufficient warrant.

(Signed) ROBERT M^cQUEEN.”

APPENDIX.

No. I.

Copy Sentence of Fugitation.

February 25, 1793.

THE which day the diet of the criminal letters, raised and carried on at the instance of Robert Dundas, Esq. of Arncliffe, his Majesty's Advocate, for his Majesty's interest, against Mr. Thomas Muir, younger of Huntershill, Advocate, being called, and the said Mr. Thomas Muir having been oftentimes called in Court, and three times at the door of the Court-house, he failed to appear.

Whereupon his Majesty's Advocate, moved, that sentence of outlawry and fugitation might be awarded against him; and as he understood that bail had been given for his appearance, when apprehended by the Sheriff of the county of Edinburgh, he craved that the penalty in the bond might be forfeited and recovered.

"The Lord Justice Clerk and Lords Commissioners of Justiciary decern and adjudge the said Thomas Muir to be an outlaw and fugitive from his Majesty's laws, and ordain him to be put to his Highness's horn, and all his moveable goods and gear to be escheat and inbrought to his Majesty's use, for his contempt and disobedience in not appearing this day and place in the hour of cause, to have underlyer the law for the crimes of sedition, and others specified in the said criminal letter raised against him thereanent, as he who was lawfully cited to that effect, and oftentimes called in Court, and three times at the door of the Court-house, and failing to appear as said is. And ordain the bond of caution, granted for the appearance of the said Mr. Thomas Muir, in the Sheriff-Court books of Edinburgh, to be forfeited, and the penalty therein contained to be recovered by the Clerk of this Court, to be disposed of as the Court shall direct.

(Signed) ROBERT M'QUEEN, J.P.D."

No. II.

At Edinburgh, the 2d of January, 1793.

The which day appeared, in presence of John Pringle, Esq. Advocate, his Majesty's Sheriff-Depute of the shire of Edinburgh, Thomas Muir, Esq. Advocate; who, being examined by the Sheriff, and

being interrogated, whether or not the declarant, in the month of November last, was in the towns of Kirkintilloch, Lennoxton of Campsie, or Milltown of Campsie? declares, that he declines answering any questions in this place, as he considers a declaration of this kind, obtained in these circumstances, to be utterly inconsistent with the constitutional rights of a British subject: that he has solemnly maintained this principle in pleading for others in a criminal court, and that when it comes to be applied to his own particular case, as at present, he will not deviate from it; declares that he neither composed, published, nor circulated, books or pamphlets, inflammatory or seditious; that in public and private, he always advised, and earnestly entreated those who might be engaged in the prosecution of a constitutional reform, in the representation of the people in the House of Commons, to adopt measures mild but firm, moderate but constitutional; and that he has always inculcated upon all whom he may have addressed upon any occasion, that there was no other mode of accomplishing a constitutional reform, in the representation of the people in the House of Commons, but by the mode of respectful and constitutional petitions to House, for that purpose; and that he not doubt but the wisdom of that House would listen to the voice of the people, when thus constitutionally presented; and being shown three numbers of a paper, entitled "the Patriot," the first dated, "Tuesday, April 17th, 1792," the second dated, "Tuesday, June 12th," and the third, "Tuesday, July 10th," without mention of the year; and being interrogated, if he gave these pamphlets to William Muir, weaver in Kirkintilloch, and eight other numbers of the same publication? declares, that he adheres to the principles which he has mentioned in the preceding part of this declaration, and declines answering the question. And being shown a book, entitled "the Works of Thomas Paine, Esq." and interrogated, if he did not give said book to Henry Freeland, weaver in Kirkintilloch, and first Preses of the Reform Society there?

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declares, that he adheres to his principle, and declines answering the question. And being shown a pamphlet, entitled, "A Declaration of Rights," and an "Address to the People; and interrogated, whether or not he gave the aforesaid pamphlet to the said Henry Freeland? declares, that he declines answering upon the aforesaid principle. And being interrogated, whether or not he gave to the aforesaid Henry Freeland, a book, entitled, "Flower on the French Constitution?" declares, that he declines answering the question, upon the aforesaid principle; and all the before-mentioned books are marked as relative hereto, of this date. And being interrogated, whether or not the declarant was a member of the Convention which met in Edinburgh, in the month of December last, styling themselves the Convention of the Associated Friends of the People, and produced to that meeting a paper, entitled, "Address from the Society of United Irishmen in Dublin, to the Delegates for Reform in Scotland, 23d November, 1792," and moved, that the thanks of the meeting should be returned to that Society for said Address? declares and declines answering the question, upon the aforesaid principle. All this he declares to be truth.

(Signed) THOMAS MUIR.
JOHN PRINGLE.

No. III.

Passport delivered in execution of the law, of the 7th December, 1792, first year of the French Republic.

Having seen the recommendation of the Council General, the Commune of Paris, permit citizen Thomas Muir to proceed on his way to Philadelphia, domiciled at Paris, municipality of Paris, department of Paris, native of Scotland, a lawyer, 28 years of age, 5 feet 9 inches high, his hair and eye-lashes of a chesnut colour, blue eyes, aquiline nose, small mouth, round chin, high forehead, long and full face. Send him aid and assistance if in want.

Executed in the Directory, 23d April, 1793, second year of the French Republic. Citizen Muir signs this with us administrators, composing the Directory of the Department of Paris.

(Approved) THOMAS MUIR.
DUROIS.
E. J. B. MAILLARD.
LE BLAUIF.
NICOLEAU, *Presid.*
D

Seen by us Ministers of Foreign Affairs.
Paris, 29th April, second year of Republic.
(Signed) LE BRUN.
MAILLE, GARAT, *Gr.*

No. IV.

Letter from Sir JAMES M'INTOSH to Mr. CAMPBELL, W. S. Mr. Muir's Agent.

SIR,—I have to acknowledge the receipt of your letter respecting the business of Mr. Muir. I did not lose a moment in finding a safe and speedy conveyance to him at Paris for your letters, and those of his other friends in Scotland, sent to my care. I delayed from day to day, in the perpetual expectation of seeing Mr. Muir here on his return. It becomes now, however, necessary for me to inform you, that he is not yet come; and considering the extreme anxiety which he must have felt to return as soon as possible, I think it very probable that this delay ought to be ascribed to the embargo laid on the vessels in the ports of France, which may perhaps have rendered it impossible for him, though even at Calais, to make his passage to England. I think this probability at least sufficiently great to be pleaded for a delay of his trial, and it is to enable you and his friends to make any use of it that you may think fit, that I have now thought it necessary to communicate this state of facts to you. I am,

SIR,
Yours, &c.

JAMES M'INTOSH.
St. Charlotte-street, Portland-place,
Feb. 7, 1793.

No. V.

Letter from Mr. MUIR's Father to Capt. GEO. TOWERS.

Glasgow, July 21, 1793.

DEAR SIR,—I am at a very great loss how to answer your letter, as it's not understood by me: if it's the Friend that I have, if it's he, I would be overjoyed to see his hand-writing, and to know what has become of him these three months. I thought he had been at Philadelphia ere now, where letters are forwarded for him; and if you are to stay any time at Belfast, be so kind as write in course; and I will come over and see you and him. You can write the time you mean to stay. Mr. John Richardson, a son of Deacon James Richardson, I saw him this week at Greenock; he is to sail in the *Almy* of New York directly, and has two packets of letters for him; and there are many

No. 4.

letters wrote for him to the first people of America. Once he were there, he'll get letters to General Washington; and I hope, dear Sir, you'll shew him every civility in your power, which I hope some day gratefully to thank you for. There is a trunk also in the Almy for him, which Mr. Richardson will deliver into his own hand. I sincerely wish you a safe, pleasant, and successful voyage, and a happy meeting with your friends. And I remain,

DEAR SIR,
Your most humble servant,
J. MUIR.

If it's the person I mean, a cousin of his, William Muir, formerly of Leith, is lying at Philadelphia. His ship is an American bottom. The loss of this young man has been a dreadful affliction to us. Please give our friend this letter. I honoured his draft in favour of Mr. Masey. He'll get his letters at the post-office, Philadelphia.

I hope in a year or two he can return, if he doth not love America; and be so good as cause him write me one line in your letter. *You can direct it; and if he does not choose to sign it, you can put your initials to it.*

No. VI.

Address from the Society of UNITED IRISHMEN in Dublin, to the Delegates for promoting a Reform in Scotland, which was brought by the Crown as evidence of Sedition against Mr. Muir, and which he read on his Trial.

We take the liberty of addressing you, in the spirit of civic union, in the fellowship of a just and a common cause. We greatly rejoice that the spirit of freedom moves over the face of Scotland; that light seems to break from the chaos of her internal government; and that a country so respectable for her attainments in science, in arts, and in arms; for men of literary eminence; for the intelligence and morality of her people, now acts from a conviction of the union between virtue, letters, and liberty; and now rises to distinction, not by a calm, contented, secret wish for a reform in Parliament, *but by openly, actively, and urgently willing it, with the unity and energy of an embodied nation.* We rejoice that you do not consider yourselves as merged and melted down into another country, but that in this great national question, you are still—Scotland,—the land where Buchanan wrote, and Fletcher spoke, and Wallace fought.

Away from us and from our children those puerile antipathies so unworthy of the manhood of nations, which insulate individuals, as well as countries, and drive the citizen back to the savage! We esteem and respect you. We pay merited honour to a nation in general well educated, and well informed, because we know that the ignorance of the people is the cause and effect of all civil and religious despotism. We honour a nation regular in their lives, and strict in their manners, because we conceive private morality to be the only secure foundation of public policy. We honour a nation eminent for men of genius, and we trust that they will now exert themselves, not so much in perusing and penning the histories of other countries, as in making their own a subject for the historian. May we venture to observe to them, that mankind have been too retrospective; canonized antiquity, and undervalued themselves. Man has reposed on ruins, and rested his head on some fragments of the temple of liberty, or at most amused himself in proving the measurement of the edifice, and nicely limiting its proportions; not reflecting that this temple is truly Catholic, the ample earth its area, and the arch of heaven its dome.

We will lay open to you our hearts. Our cause is your cause.—If there is to be a struggle between us, let it be which nation shall be foremost in the race of mind; let this be the noble animosity kindled between us, who shall first attain that free Constitution from which both are equidistant,—who shall first be the saviour of the empire.

The sense of both countries with respect to the *intolerable abuses of the Constitution* has been clearly manifested, and prove that our political situations are not dissimilar; that our rights and wrongs are the same. Out of 32 counties in Ireland, 29 petitioned for a reform in Parliament; and out of 56 of the royal burghs of Scotland, 50 petitioned for a reform in their internal structure and Government. If we be rightly informed, there is no such thing as popular election in Scotland. The people who ought to possess that weight in the popular scale, which might bind them to the soil, and make them cling to the Constitution, are now as dust in the balance, blown abroad by the least impulse, and scattered through other countries, merely because they hang so loosely to their own. They have no share in the national *Firm*, and are aggrieved not only by irregular and illegal exaction of taxes;

and from our children pathies so unworthy of nations, which insulate us as countries, and drive us to the savage! We say you. We pay merited in general well educated, because we are ignorant of the people's interest of all civil and re-

We honour a nation's lives, and strict in their we conceive private morality only secure foundation of. We honour a nation's emulatio, and we trust that they exert themselves, not so as to ruin and penning the histories, as in making their the historian. May we be to them, that mankind retrospective; canonized and undervalued themselves. on ruins, and rested his arguments of the temple of most amused himself in surement of the edifice, ng its proportions; not is temple is truly Catholic with its area, and the arch me.

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by misrule and mismanagement of corporations; by misconduct of self-elected and irresponsible magistrates; by waste of public property; and by want of competent judicatures; but, in our opinion, most of all, by an *inadequate parliamentary representation*,—for we assert, that 45 Commons and 16 Peers, are a pitiful representation for two millions and a half of people; particularly as your Commons consider themselves not as the representatives of that people, but of the Councils of the Burghs by whom they are elected.

Exclusive charters in favour of Burghs, monopolize the general rights of the people, and that act must be absurd which precludes all other towns from the power of being restored to their ancient freedom.

We remember that heritable jurisdictions and feudal privileges, though expressly reserved by the Act of Union (20th art.) were set aside by Act of Parliament in 1746, and we think that there is much stronger ground at present, for restoring to the mass of the people their alienated rights, and to the constitution its spirit and its integrity.

Look now we pray you upon Ireland. Long was this unfortunate island the prey of prejudiced factions and ferocious parties. The rights or rather duties of conquerors were dreadfully abused, and the Catholic religion was made the perpetual pretext for subjugating the state by annihilating the citizen, and destroying, not the religious persuasion, but the man; not property, but the people. It was not till very lately that the part of the nation which is truly colonial, reflected that though their ancestors had been victorious, they themselves were now included in the general subjection; subduing only to be subdued, and trampled upon by Britain as a servile dependency. When therefore the Protestants began to suffer what the Catholics had suffered and were suffering; when, from serving as the instruments, they were made themselves the objects of foreign domination, then they became conscious they had a country; and then they felt like Irishmen,—they resisted British dominion, renounced colonial subservency, and following the example of a Catholic Parliament, just a century before, they asserted the exclusive jurisdiction and legislative competency of this island. A sudden light from America shone through our prison. Our volunteers arose. The chains fell from our hands. We followed Grattan, the

angel of our deliverance, and in 1782, Ireland ceased to be a province, and became a nation. But, with reason, should we despise and renounce this Revolution, as merely a transient burst through a bad habit; the sudden grasp of necessity in despair, from tyranny in distress, did we not believe that the Revolution is still in train; that it is less the single and shining act of 82, than a series of national improvements which that act ushers in and announces; that it is only the herald of liberty and glory, of Catholic emancipation, as well as Protestant independence; that, in short, this Revolution indicates new principles, foreruns new practices, and lays a foundation for advancing the whole people higher in the scale of being, and diffusing equal and permanent happiness.

British supremacy changed its aspect, but its essence remained the same. First it was force, and on the event of the late Revolution, it became influence; direct hostility shifted into systematic corruption, silently drawing off the virtue and vigour of the island, without shock or explosion. Corruption that glides into every place, tempts every person, taints every principle, infects the political mind through all its relations and dependencies; so regardless of public character as to set the highest honours to sale, and to purchase boroughs with the price of such prostitution; so regardless of public morality, as to legalize the licentiousness of the lowest and most pernicious gambling, and to extract a calamitous revenue from the insatiation and intoxication of the people.

The Protestants of Ireland were now sensible that nothing could counteract this plan of debilitating policy, but a radical reform in the House of the People, and that without such reform, the Revolution itself was nominal and delusive.—The wheel merely turned round, but it did not move forward, and they were as distant as ever from the goal. They resolved—they convened—they met with arms—they met without them—they petitioned—but in vain; for they were but a portion of the people. They then looked around and beheld their Catholic countrymen. Three million—we repeat it—three million taxed without being represented, bound by laws to which they had not given consent, and politically dead in their native land. The apathy of the Catholic mind changed into sympathy, and that begot an energy of sentiment and action. They had eyes, and they read. They had ears, and they lis-

tened. They had hearts, and they felt. They said, "Give us our rights, as you value your own. Give us a share of civil and political liberty, the elective franchise, and the trial by jury. Treat us as men, and we shall treat you as brothers. Is taxation without representation a grievance to three millions across the Atlantic, and no grievance to three millions at your doors? Throw down that pale of persecution which still keeps up civil war in Ireland, and makes us one people. We shall then stand, supporting and supported, in the assertion of that liberty which is due to all, and which all should unite to attain."

It was just—and immediately a principle of adhesion took place for the first time among the inhabitants of Ireland;—all religious persuasions found in a political union their common duty and their common salvation. In this Society and its affiliated Societies, the Catholic and the Presbyterian are at this instant holding out their hands and opening their hearts to each other, agreeing in principles, concurring in practice. We unite for immediate, ample, and substantial justice to the Catholics, and when that is attained, a combined exertion for a Reform in Parliament is the condition of our compact, and the seal of our communion.

British supremacy takes alarm! The haughty monopolists of national power and common right, who crouch abroad to domineer at home, now look with more surprise and less contempt on this "besotted" people. A new artifice is adopted, and that restless domination which at first, ruled as open war, by the length of the sword; then, as covert corruption, by the strength of the poison; now assumes the style and title of Protestant Ascendancy; calls down the name of religion from heaven to sow discord on earth; to rule by anarchy; to keep up distrust and antipathy among parties, among persuasions, among families; nay, to make the passions of the individuals struggle, like Cain and Abel, in the very home of the heart, and to convert every little paltry necessity that accident, indolence, or extravagance bring upon a man, into a pander for the purchase of his honesty and the murder of his reputation.

We will not be the dupes of such ignoble artifices. We see this scheme of strengthening political persecution and state inquisition, by a fresh infusion of religious fanaticism; but we will unite and we will be Free. Universal Emancipation with Representative Legislation

is the polar principle which guides our Society, and shall guide it through all the tumult of factions and fluctuations of parties. It is not upon a coalition of opposition with ministry that we depend, but upon a coalition of Irishmen with Irishmen, and in that coalition alone we find an object worthy of reform, and at the same time the strength and sinew both to attain and secure it. It is not upon external circumstances, upon the pledge of a man or a minister, we depend, but upon the internal energy of the Irish nation. We will not buy or borrow liberty from America or from France, but manufacture it ourselves, and work it up with those materials that the hearts of Irishmen furnish them with at home. We do not worship the British, far less the Irish Constitution, as sent down from heaven, but we consider it as human workmanship, which man has made, and man can mend. *An unalterable Constitution, whatever be its nature, must be despotism. It is not the Constitution, but the People, which ought to be inviolable; and it is time to recognise and renovate the rights of the English, the Scotch, and the Irish nations.*—Rights which can neither be bought nor sold, granted by charter, or forestalled by monopoly, but which nature dictates as the birthright of all, and which it is the business of a Constitution to define, to enforce, and to establish. If Government has a sincere regard for the safety of the Constitution, let them coincide with the people in the speedy reform of its abuses, and not by an obstinate adherence to them, drive that people into Republicanism.

We have told you what our situation was, what it is, what it ought to be: our end, a National Legislature; our means, an union of the whole people. Let this union extend throughout the empire. Let all unite for all, or each man suffer for all. In each country let the people assemble in peaceful and Constitutional Convention. Let delegates from each country digest a plan of reform, best adapted to the situation and circumstances of their respective nations, and let the Legislature be petitioned at once, by the urgent and unanimous voice of Scotland, England, and Ireland.

You have our ideas. Answer us, and that quickly. This is not a time to procrastinate. Your illustrious Fletcher has said, that the liberties of a people are not to be secured, without passing through great difficulties, and no toil or labour ought to be declined to preserve a nation from slavery. He spoke well; and we

add, that it is incumbent on every nation who adventures into a conflict for freedom, to remember it is on the event (however absurdly) depends the estimation of the public opinion; honour and immortality, if fortunate; if otherwise, infamy and oblivion. Let this check the rashness that rushes unadvisedly into the committal of national character, or if that be already made, let the same consideration impel us all to advance with active, not passive perseverance; with manly confidence and calm determination, smiling with equal scorn at the bluster of official arrogance, and the whisper of private malevolence, until we have planted the flag of Freedom on the summit, and are at once victorious and secure.

Signed) WM. DRENNAN, *Chairman*.
A. HAMILTON ROWAN, *Sec.*

No. VII.

Tribute to Scotland, and to Mr. MUIR, by CURRAN, taken from his eloquent Speech in defence of Mr. HAMILTON ROWAN.—Jan. 29, 1794.

GENTLEMEN,—I am glad that this question has not been brought forward earlier; I rejoice for the sake of the court, of the jury, and of the public repose, that this question has not been brought forward till now. In Great Britain, analogous circumstances have taken place. At the commencement of that unfortunate war, which has deluged all Europe with blood, the spirit of the English people was tremblingly alive to the terror of French principles; at that moment of general paroxysm, to accuse was to convict. The danger loomed larger to the public eye, from the misty region through which it was surveyed. We measure inaccessible heights by the shadows which they project, where the lowness and the distance of the light form the length of the shade.

There is a sort of aspiring and adventurous credulity, which disdains assenting to obvious truths, and delights in catching at the improbability of circumstances, as its best ground of faith. To what other cause, Gentlemen, can you ascribe, that in the wise, the reflecting, and the philosophic nation of Great Britain, a printer has been gravely found guilty of a libel, for publishing those resolutions to which the present minister of that kingdom had actually subscribed his name? To what other cause can you ascribe, what in my mind is still more astonishing, in such a country as Scotland—a nation cast in the happy medium between the spiritless ac-

quiescence of submissive poverty, and the sturdy credulity of pampered wealth; cool and ardent; adventurous and persevering; winging her eagle flight against the blaze of every science, with an eye that never winks, and a wing that never tires; crowned as she is with the spoils of every art, and decked with the wreath of every muse, from the deep and scrutinising researches of her Hume, to the sweet and simple, but not less pathetic and sublime morality of her Burns—how, from the bosom of a country like that, genius, and character, and talents, should be banished to a distant barbarous soil;* condemned to pine under the horrid communion of vulgar vice and baseborn profligacy, for twice the period that ordinary calculation gives to the continuance of human life?

But I will not press an idea that is painful to me, and I am sure must be painful to you.

No. VIII.

Letter from Mr. MUIR to a friend at Cambridge, written on the eve of his leaving England.

MY DEAR FRIEND,—I received yours at Edinburgh with the sincerest pleasure; your sentiments and mine are equally accordant, the great lesson we have to learn in this world, is submission and resignation to the will of God. This lesson strikes upon the heart, not by the force of cold and abstracted precept, but by the example of Him, who was the object of all sufferings, and the pattern of all perfection. Much need have I to be taught in his school. Hurléd, as it were in a moment, from some of the most polished societies in Edinburgh and London, into one of the hulks upon the Thames, where every mouth is opened to blaspheme God, and every hand stretched out to injure a neighbour, I cannot divest myself of the feelings of nature; I cannot but lament my situation; and were it not for the hope of immortality, founded upon our common Christianity, alas! I might accuse the Father of all Justice and of all Mercy with severity. But blessed be God, every thing in the great system of nature, every thing in the little system of individual man, corresponds with the great dispensations of the gospel, and demonstrates its efficacy.

Much consolation does the reflection now afford me, that in prosperity I always

* Mr. Muir was introduced to Curran when in Ireland, and became personally acquainted with him.

regarded this revelation of heaven with the most profound reverence.

In solitary exile there is dignity, there is a conscious pride, which, even independent of philosophy, may support the mind, but I question much, if any of the illustrious of ancient ages could have supported an exile similar to mine, surrounded by the veriest outcasts of society, without the aid of religion and of the example of Jesus.

I have been separated from Mr. Palmer, he is in *arête* hulk, I am in a different one. The separation is an act of unnecessary cruelty.

My state of health is poorly. The seeds of a consumption, I apprehend, are planted in my breast. I suffer no acute pain, but daily experience a gradual decay.

Of every thing relating to my future destination, I am utterly ignorant.

Honour me by your correspondence, I am sure it will ameliorate my heart.

Farewell! my truly worthy and respectable friend.

THOMAS MUIR.

No. IX.

Mr. Muir's Reception at Bourdeaux.

When this ardent friend of Liberty and victim of oppression landed at Bourdeaux, he was received by the Republicans of that town with all those marks of affection and admiration which his patriotism and his misfortunes are calculated to inspire.

Some Members of the Academy, and of the *Cercle de la Grande-Quille*, waited upon him, and testified the satisfaction which these Societies would experience if he should pay them a visit. Muir immediately accepted the invitation.

His reception at the Society of Grand-Quille formed a very interesting spectacle. The building was illuminated—the Hall in which the meetings are held was decorated with the national colours and emblems of liberty, and a band of musicians performed all those animating airs which are dear to Republicans.

A Citizen distinguished by his virtues and his patriotism, the worthy father of a respectable family, was appointed by the Society to give the *kiss of fraternity* to Thomas Muir, and in his person to the Freemen and Defenders of Liberty, in every country. A deputation of female Citizens presented him with the Flowers, Myrtles, and Laurels. The multitude who filled the passages which lead to the Hall manifested a desire to see him. He ap-

peared on the balcony, and was welcomed by shouts of Live the Defenders and the Martyrs of Liberty!—Live the Republic!

On the following evening he was invited to a civic banquet, during which the most pleasing harmony prevailed, and was displayed in the most pure Republican sentiments. Many patriotic toasts were drunk; among which were, The French Republic—The Friends of Liberty all over the world—The Army of England: may it, directed by the illustrious Deliverer of Italy, soon unite the Thames and the Seine, and make the airs dear to liberty resound on the mountains of Scotland and Ireland.

A Citizen of Bourdeaux made a speech, in which he stated the persecutions which Thomas Muir has undergone, and the interest which all friends of Liberty take in his welfare.

Thomas Muir then addressed the meeting in the following terms:

"Citizens, I am not accustomed to speak the French language in public; but were I endowed with all the facility of speech and eloquence it is possible to possess, I should not be able to express the sensations I now feel. I am transported with joy to find myself at this moment among you: but when I compare my present situation with my brethren and countrymen, who sigh in dungeons or languish in exile, I experience sentiments of the most profound melancholy.

"Thanks to Eternal Providence, the Republic has once more been saved. The Liberty of the Universe is not yet lost. The Patriots of England, Scotland, and Ireland, will soon break their chains. They will combat along with you under the standard of Freedom. Permit me to speak to you in their names. The same spirit which animates you, animates them also. They are worthy of your esteem, for they aspire after liberty. We shall one day be free like you: and then by our sincere affection, we will prove to you that we are your brethren."

No. X.

Mr. Muir's Escape from Botany Bay, and his subsequent Misfortunes.

[From the London Courier of 11th Dec. 1797.]

It is known that Thomas Muir was transported to Botany Bay, in consequence of the sentence of the Scottish Court of Justiciary. There it was probable he would have terminated his days for having wished freedom to his country, had he not, in the

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midst of his misfortunes, still preserved
that courage and presence of mind which
always distinguishes great characters.

An American vessel touched at Botany
Bay about the end of February, 1796.
Just as the ship was getting under weigh,
the Americans carried Muir on board in
their boat, though assailed by a shower of
musketry from the shore. The ship pro-
ceeded to the Friendly Islands, and from
thence to Nootka Sound. But here new
dangers awaited him : An English ship
of war, which had left Botany Bay some
days before the American, anchored near
her ; Thomas Muir might have been
known, and made a prisoner. To avoid
his persecutors, he resolved to travel across
the whole continent of America !—a dread-
ful enterprise, which required at once the
courage of a Hero, and the resignation of
a Philosopher. But fortunately the Cap-
tain of a Spanish galliot, which he discov-
ered on the coast, gave him a passage to
Saint Blas, a port situated at the mouth
of the Gulf of California. As soon as he
landed, he wrote to the Viceroy of Mexico,
claiming the rights of hospitality in the
name of the French Republic. His ap-
plication was favourably received. He
was permitted to travel through the Mexi-
can territory ; and having arrived at Vera-
Cruza, he took a passage to the Havannah.
The Governor of Cuba, however, without
assigning any reason, treated him as a pri-
soner of war, and detained him during
four months in the most rigorous confine-
ment. Such are the greater part of those
subaltern despots who govern the colo-
nies of great powers. They oppress some
defenceless individuals, and fancy for a
moment that the arbitrary power which
they exercise equals their masters. He
was at last, however, put on board a fri-
gate, to be carried to Spain. But his
misfortunes were not yet at an end : as
the frigate was entering Cadiz, she was
attacked by a part of Jervis' fleet, which
blockaded that port. The Spaniards de-
fended themselves bravely, and Muir, who
preferred death to chains, fought with the
greatest intrepidity, until he received a
desperate wound in the face, and fell,
bathed in his blood. The frigate soon
after struck to the English, who having
learned that Muir was on board, inquired
eagerly for him. They were told that he
had been killed in the action, and was
thrown overboard. He remained six days
in their possession without being known,
and was at last sent on shore with the other
prisoners.

But this deplorable situation did not

secure him from new oppressions at Cadiz,
where he ought to have received consol-
ation. He was guarded in the hospital by
five sentinels. Even the news of the 18th
Fructidor redoubled the rigours of his
captivity. He was more closely confined,
and no Frenchman was allowed to ap-
proach him. But the Consul of the Re-
public being informed of this unfortunate
Friend of Liberty, hastened to testify his
respect for him, and to afford him relief.

Muir addressed an account of his ad-
ventures to the Directory, and solemnly
declared that he adopted the French Re-
public for his country. He received a
most kind and obliging reply from the
Government. From that moment he
considered himself our fellow-citizen,
and waited only to be cured, that he might
return into France : but what was his as-
tonishment when he learned that the Span-
ish Government retained him as a prisoner
of war !—After many fruitless representa-
tions, he again addressed the Republic,
and the Directory ordered the Ambassa-
dor Perignon to declare to the Court of
Madrid that Thomas Muir no longer be-
longed to the country which had proscrib-
ed him, and to claim him as a French
citizen by adoption. This demand could
not be resisted, and he was immediately
set at liberty, but ordered to leave the
Spanish territory without loss of time.
Was that Government afraid that the pre-
sence of this celebrated Republican would
inspire its subjects with the love of lib-
erty ?

Thomas Muir received every mark of
friendship and respect from our Ambassa-
dor at Madrid, and is now sheltered from
the fury and persecutions of his enemies.
He has arrived in the land of independ-
ence and hospitality. He has entered
France at the moment when the Great
Nation menaces England, and is about to
realise the plan which it has conceived.—
May he find in the citizens of his new
country only friends and brothers !

The intention of the Committee of Pub-
lic Safety is now in part completed. It
will be recollected that Barère, in the
name of that Committee, ordered the
Minister of Marine to direct some frigates
to go in quest of the liberticidal vessel
which carried Muir and his unfortunate
companions to the frightful deserts of New
Holland.

Thomas Muir is now in Paris, in the
capital of the Republican world, the ren-
desvous of all the victims who escape
from despotism. The Directory pressed
him to repair to this city. We invite

them, in the name of the generous people whom they govern, to fulfil every duty of hospitality towards this Apostle of Liberty. It would be as impolitic as inhuman to neglect or to expose to indignity those illustrious foreigners to whom we offer an asylum.

No. XI.

BRITISH PARLIAMENT.

HOUSE OF LORDS, JANUARY 31, 1794.

Trials of Mr. Muir and Mr. Palmer.

Earl STANHOPE rose and said, that the proceedings in the late trials against Mr. Muir and Mr. Palmer, before the Lords of Justiciary in Scotland, were so extraordinary that it became their Lordships, by a regard to the sacred character of justice, to inquire into them—they were contrary to the principles of immutable justice, and directly in opposition to resolutions of that House. In the impeachment of Mr. Hastings, their Lordships had made, in the year 1780, no less than four resolutions, which shewed their sense of principles which belonged to no one nation, and to no one tribunal, but were of the essence of justice. The principle was, that when a man was put upon his trial, no charge could be brought forward in evidence which was not set forth in the original indictment. He concluded with moving that our humble Address be presented to his Majesty, humbly to represent to his Majesty, that sometime ago Thomas Muir, Esq. was tried on a criminal prosecution before the Lords Justiciary of Scotland; in consequence of which sentence of transportation beyond seas for fourteen years had been passed upon him.—That this House were forthwith to take into their consideration the proceedings had on the said trial and sentence. And, therefore, praying his Majesty not to carry into execution the said sentence, until the House had made the proposed inquiry.

Earl MANSFIELD, Earl LAUDERDALE, and the Earl of COVENTRY, spoke against the motion.

The LORD CHANCELLOR said, that there might be a mistrial, but that there was a legal remedy in supplicating pardon, which Earl Stanhope repudiated as degrading to an innocent person.

The question was then put on the motion, for the Address on the case of Mr. Muir, and as Earl Stanhope persisted in taking their sense by a vote, they divided.

Content, 1.—Not Contents, 49.

Die Veneris, 31st Jan. 1794.

The Order of the Day being read for the Lords to be summoned, it was moved, That an humble address be presented to his Majesty, humbly to represent to his Majesty, that this House has been informed that Thomas Muir, Esq. who was tried before the High Court of Justiciary at Edinburgh, in the month of August last, upon a charge of sedition, has been condemned and sentenced to be transported beyond seas for the space of fourteen years; and further to represent to his Majesty, that this House intends to proceed without delay to examine the circumstances of such condemnation and of such sentence; and therefore humbly to beseech his Majesty, that the said Thomas Muir, Esq. may not be transported beyond seas, until this House shall have had sufficient time to make such examination.

Which being objected to, after debate, The question being put thereupon, it was resolved in the negative.

Tellers—Earl Stanhope and Earl of Stair.

Content, 1.—Not Contents, 49.

Whereupon a protest was entered on the Journals by Earl Stanhope.

HOUSE OF COMMONS, FEB. 24, 1794.

Mr. ADAM (now the venerable Lord Chief Commissioner of the Jury Court in Scotland) rose and stated, that on Thursday next, he would feel it his duty to bring under the consideration of the House the proceedings of the High Court of Justiciary in Scotland, in reference to the case of Thomas Muir the younger of Huntershill.

Mr. FOX stated, that he considered the sentence of Messrs. Muir and Palmer as illegal and abhorrent of the principles of justice.

Mr. SHERIDAN said, it was very confidentially reported, that although sentence was passed, yet there was good reason for believing that a sentence so abhorrent to the very spirit of our law, a sentence which no man in the House would dare to vindicate if applied to a similar offence in England—would not be carried into execution. That lending a book (which was the case of Mr. Muir) should subject a man to transportation like a felon for fourteen years, would be enough to raise the people of this country in arms. If Ministers attempted to make the law of Scotland the law of England (but they dared not), they would find it a sufficient crime to forfeit their heads. "They

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charge us," said Mr. Sheridan, "with
making a party question of this, when we
ought to have applied to the fountain of
mercy." I know what mercy was shewn
them before we made any question on
the subject. I speak with some informa-
tion; I have seen those unfortunate vic-
tims—I have visited them in those loath-
some hulks, where they were confined
among common felons, not indeed with
irons upon them, but with irons recently
taken off, separated from each other, de-
prived of the comfort of conversing, and
that on a pretence that there was danger
of sedition in this society—that two impris-
oned men could create an insurrection.
—"I saw these gentlemen, and I boast
of it; for whatever may be the feelings
of some, I shall always be proud to
countenance whomsoever I conceive to
be suffering under oppression."

MARCH 10, 1794.

Mr. ADAM began at five o'clock a
speech of three hours and a half, which
displayed great extent of historical and
legal information. In concluding, Mr.
Adam said, that substantial justice has
not been done to this gentleman; and if
we have either the feelings or the hearts
of men, we will not depart the House
this night without an Address to the
Throne for mercy. One great objection
to the fairness of his trial was, that which
related to his Jury. A Society was
formed in Scotland, at Goldsmiths' Hall,
resembling that at the Crown and An-
chor, in consequence of the institution of
certain Societies called Friends of the
People, of the publication of Paine's
Rights of Man, &c.—Of the Friends of
the People, he should content himself
with saying, that though many respected
friends of his were advocates for a Re-
form of the Representation of the people
in Parliament, he had no opinion in
common with them on the subject; and
of Paine's Rights of Man he should only
say, that he had been favoured with the
reproach, in company with two Right
Hon. Gentlemen over the way, for hav-
ing disapproved of his doctrines. This
Society at Goldsmiths' Hall had repro-
bated in severe terms Paine's book, and
had excluded Mr. Muir from their society
on account of his approving of that book.
Gentlemen of this Society were the Jury,
and an objection was made by Mr. Muir,
a strong, a valid objection, that they were
prejudiced men, had declared their pre-
judice, and had acted upon it. It was an
objection common to the law of Scot-
land. There was a memorable instance

in the trial of Lord Balmerino in the
year 1631. He objected to Lord Ma-
risbal and Lord Dumfries, as having ex-
pressed themselves in his disfavour, and
he put them to their oath—they took it.
He made the same objection to Lord
Blantyre, who refused to take the oath
of his not having spoken to his disfavour,
and he was rejected. Now, with a pre-
cedent so strictly in point, when they saw
the Lord Justice Clerk repel the objec-
tion, because, forsooth, it would go far to
exclude every man who had taken the
oaths to Government—Good God! what
must be the feelings of mankind on see-
ing so little regard paid to the decency
of justice, and the fate of a fellow-crea-
ture! The men who had declared Mr.
Muir to be seditious, and who had acted
so far against him as to exclude him a
society, were yet held to be fair jurors!

The treatment in regard to the witnesses
was equally hostile to all justice. John
Russell, a witness for the defendant, was
sentenced to three weeks of imprison-
ment, because, at the very commence-
ment of his examination, he had not
been able to mention the names of the
persons who had spoken to him on the
subject of the trial. Mr. Adam shewed
the legal distinction between the credi-
bility of a witness and his competency.
The Court had no right to withhold the
evidence of a witness who was compe-
tent, on account of prevarication; they
ought to send it to the Jury, who are to
judge of the credit that is due to it; but
here they chose to deprive the prisoner
of the evidence of this witness altogether.
Another witness, William Muir, who
from motives of conscience hesitated at
taking an oath, was ordered to be impris-
oned for ever! It was monstrous! It
was impossible to speak of such an act
without horror! Now after this sort of
trial they were to consider the most ma-
terial part of the whole proceeding, the
discretion of the Court in the sentence
which they passed on the prisoner. It
was with the utmost reluctance that he
came to agitate the conduct of a Court of
justice in that assembly; he felt the de-
licacy and the difficulty of the subject;
and he wished that the House had grant-
ed, what in his opinion ought yet to be
done, the right of appeal, so as to bring
these questions forward in a different
shape. He had avoided carefully throw-
ing forth, till now, any doubt on the sub-
ject of their conduct, because he thought
it right that the question should be exa-
mined to the bottom, and that before

doubt was hazarded, gentlemen should be made acquainted with all the facts upon which it arose. Now that he had examined the whole proceeding with the most anxious and attentive mind, he must gravely declare, that he did doubt and question the soundness of their discretion in the sentence which they had passed. What was the crime? Misdemeanour. What was the punishment? Transportation, the most aggravated and most afflicting that it could be. Let gentlemen consider what would have been the punishment passed in this country, on a similar offence? What would have even been the punishment of Mr. Paine himself? He might certainly say that it would have been no more than fine and imprisonment. Such would have been the punishment in England. But in Scotland they sentenced them to the most shocking species of transportation.—Transportation—not to America, not to a cultivated society, to an easy master, and to kind treatment, but to an inhospitable desert at the extremity of the earth,—condemned to live with ruffians, whom the gibbet only had spared, and under a system of despotism rendered necessary for the government of such a tribe! The mind of man, shuddering at a disproportionate sentence, could feel no respect for the administration of justice so strained, and the hand of authority was therefore weakened and palsied by the act. In the exercise of sound discretion it was natural to think that the Court would have looked for the guides the most congenial to the feelings of the country. An article in the Union should have guided their discretion; the practice of England should have guided their discretion; unless it was meant that their authority was to be the stalking-horse for extending the same sort of severity to England. They should have remembered that as the two countries were bound together by political and moral ties, that their allegiance was the same, their duties the same. They should have taken care that a punishment so outrageously different from that of the one country, should not have been suffered in the other. It was necessary even to the safety of England that this should be done. They had had recourse to the despotism of the Romans, under the tyranny of one man. It was with horror that he saw them referring to the practice of the Roman law, under Nero and Domitian, instead of the mild practice of the neighbouring country. One of the Judges had quoted the

doctrine from the Roman law, and he took it for granted that the quotation was correct. He said that by the Roman law, "*Actores seditionis et tumultus, populo concitato, pro qualitate dignitatis, aut in fuream tolluntur, aut bestiis obijciuntur aut in insulam deportantur.*"—"We have chosen," says the learned Judge, "the mildest of these punishments." Having gone through the case, Mr. Adam made a short, but warm and elegant conclusion, on the motives that had induced him to bring forward the subject. He had not done it from motives of professional interest; he had no personal knowledge of the sufferers; not from personal prejudice to the Judges, for he respected their characters; not from his love of Paine's principles, for he had frankly declared his opinion on them; but because he considered the distribution of criminal justice as the best defence of public liberty; he did it to save the nation from the disgrace and mischief of individual oppression, and because he believed that the perversion of criminal jurisprudence was likely to be the forerunner of anarchy on the one side, or of despotism on the other.—Feeling for the honour of the country, for the purity of criminal jurisprudence, for the safety of the British Constitution, he had thought it fit to bring before the House a proceeding which had wounded and tortured the feelings of considerate men; and he proposed to correct the dangerous tendency of this proceeding by the most respectful means; it was a becoming privilege in the House to petition the Crown to exercise the most divine of its prerogatives, that of mercy, which blesses him that gives as well as him that asks, and by thus procuring seasonable redress to quiet the minds of the people, and to preserve sacred and inviolate the beauty of that Constitution which he hoped would descend unimpaired to the latest posterity. He concluded, therefore, with moving, That his Majesty would give directions that there be laid upon the table extracts from the books of the Court of Justiciary of the trial of Thomas Muir, so far as related to the indictment, &c.

Mr. Fox seconded the motion.

The LORD ADVOCATE of Scotland attempted to defend himself, and was replied to by Mr. Whitbread.

Mr. Fox and Mr. Pitt then took up the two sides of the case, with considerable animation—the majority against the motion being 139.

Roman law, and he took the quotation was correct by the Roman law, *in eis et tumultus, potest qualitate dignitatis tolluntur, aut bestis insulam deportantur.*" *sen,*" says the learned *dest* of these punishments, gone through the made a short, but conclusion, on the motioned him to bring forward.

He had not done it professional interest; he knowledge of the suffer-sonal prejudice to the sected their characters; of Paine's principles, declared his opinion cause he considered the ninal justice as the best liberty; he did it to from the disgrace and al oppression, and be- that the perversion of ence was likely to be anarchy on the one ism on the other.—onour of the country, criminal jurisprudence, the British Constitution, fit to bring before the ng which had wounded eelings of considerate posed to correct the y of this proceeding by l means; it was a be- in the House to peti- exercise the most di- gatives, that of mercy, n that gives as well as and by thus procuring to quiet the minds of to preserve sacred and ty of that Constitution would descend unim- est posterity. He con- with moving. That his ve directions that there table extracts from the urt of Justiciary of the luir, so far as related to c.

ded the motion. VOCATE of Scotland at- and himself, and was re- Whitbread.

Mr. PITT then took up e case, with considerable majority against the mo-

TRIAL OF MAURICE MARGAROT,

Delegate from London to the British Convention,

BEFORE THE HIGH COURT OF JUSTICIARY AT EDINBURGH,

On the 13th and 14th Jan. 1794,

FOR SEDITION.

THE indictment charged the pannel (designated merchant in Marybon, London,) with having been named a delegate by an Association of seditious persons, calling themselves the Corresponding Society of London, and with having co-operated with an illegal Association in Edinburgh, who of late had assumed the designation of "The British Convention of the Delegates of the People, associated to obtain Universal Suffrage and Annual Parliaments," and which illegal association, under the names and designations above mentioned, have been in the practice, during the months of October and November last, as well as in the beginning of the present month of December 1793, of holding various seditious and illegal meetings, at a Mason's lodge, or room, in Blackfriars'-wynd, in the city of Edinburgh, and elsewhere, to the public prosecutor unknown; and which meetings, though held under pretence of procuring a reform in parliament, were evidently of a dangerous and destructive tendency, with a deliberate and determined intention to disturb the peace of the community, and to subvert the present constitution of the country: with which view they imitated, both in the form and tenor of their proceedings, that convention of people, the avowed enemies of this country, who at present usurp the government of France, and with whom Great Britain then was and still is at war: that the said Maurice Margarot, from his arrival in Edinburgh, did, as a delegate from the said Corresponding Society in London, constantly attend the illegal meetings of the above mentioned associations, and did co-operate with them, on different occasions, and act as preses or chairman of their meetings, and did take an active and distinguished part in their deliberations and proceedings; and that while the said Maurice Margarot continued to attend the said illegal meetings, as a delegate, or officiating in the

capacity as president, as above mentioned, various seditious and inflammatory votes and resolutions were past, some of which he moved, others of which he seconded, and to all of which he gave his concurrence and approbation, by voting for passing the same, &c. &c.

Mr. MARGAROT, who pled his case personally, took an exception to the absence of the Lord Justice General. "I hold that this Court is not competent to try me. My Lords, I am cited before the Lord Justice General of Scotland, the Lord Justice Clerk, and Lords Commissioners of Justiciary. Now we know this is the highest Court in Scotland: we know there is no higher office in Scotland, than that of Lord Justice General, and we know, that if it was an unnecessary post, it would not have £2000 a-year salary annexed to it, and we know that the indictment would have run before our Lord Justice General, or Lord Justice Clerk, because we know that the Public Prosecutor will in this case and in every other, trumpet up much the constitution, and as the constitution of Great Britain is founded upon laws, and those laws can only be delivered in words, so the least variation of words in a law, is a total objection to an indictment. My Lords, it may be said there is precedent for it, but it is a fundamental principle, that no man shall hold out his own laches. Why is he not here to do his duty? If this innovation is suffered, perhaps the attendance of the Lord Justice Clerk will be dispensed with, and the attendance of the other judges; and at last, perhaps, the Clerk of the Court, or even the Macers, will form the High Court of Justiciary, so that by one deviation and another, even the forms of justice will be done away."—This objection was ultimately repelled.

The interlocutor of relevancy having been read, Mr. Margarot addressed the Court as follows:—"You will be informed, that some of my witnesses live in

England, that I have had the exculpatory letters served there, with what is called a subpoena in England, and the affidavit at the back of the exculpatory letters, now in the hand of the Clerk of the Court, shows that they have been cited in a legal manner, and therefore, as they are material witnesses, I wish the list of them to be called over."

The list being called over, the following persons were absent:—Duke of Richmond, Henry Dundas, William Pitt, John M'Intyre, and John Wright."

This also was deemed incompetent, and repelled, after a very spirited debate.

After witnesses had been examined, Mr. Margarot's declaration was read, in which, to every interrogation put to him, he uniformly declined giving any answer.

The Lord Advocate Dundas of Arnis-ton attempted from old authors to define the meaning of sedition. "If," says he, "any set of men let their ostensible purpose be a redress of grievances, as in this case, till it assumed the appellation of the British Convention of the Delegates of the People, associated to obtain Universal Suffrage and Annual Parliaments, as was the case, I say, with the former convention, of which the boy Calder told us just now he had been a member, if their purpose was reform; yet, if that purpose is not to address the king or the legislature of the country, in a constitutional way, by petition; if, on the contrary, they are aping and imitating the example of a neighbouring country with which we are at war, or if it goes the length of convoking thousands of persons who may form these societies, not to apply to King, Lords, and Commons, in a proper, legal, and constitutional way for redress; but assumes the power of forming itself into a separate body, or convention, altogether; if it goes the length of what I will show you, upon a fair review of the evidence, it did in this case, overawing parliament in the execution of its duty; that in the event of an invasion, or some such similar circumstance, they were not only to control and overawe the proceedings of parliament, but were, in the construction of common sense and reason, to join, in place of resisting, the invaders, for that is the conclusion I shall draw from the evidence on the table, in spite of all the declarations and professions which came from the associates of the pannel this day at the bar; if it goes that length, it is clearly and distinctly the crime of sedi-

tion, as clear and unequivocal as ever occurred in the practice of any civilized country."

Mr. Margarot concluded a very long, arduous, but spirited defence, with the following beautiful peroration:—"We were to overawe in the language of the Public Prosecutor; to overawe the parliament; to check them in their proceedings; so we were; but how? by argument, by sound reasoning; as a body of men we could do nothing till we had a majority of the nation on our side. When once the majority of the society is of one way of thinking, it is proper that the minority should yield to it, and that is the first law of society; and as the general good is to be paramount to every thing, so the will of the few is to submit to the will of the many; and therefore, the object of our institution was first to diffuse political knowledge; and secondly, to gather the general will. If we found that general will to be for a reform in parliament, a reform in parliament we should obtain; if we are to be slaves, it is our duty then to sit down silent, and if not satisfied, we may, as a noble Lord has said, take our pack on our back, and be trudging. My Lord, at another season I might not talk unprofitably, but at the present late hour of the night, I think in my mind that I have said sufficient to acquit myself of all the charges laid against me, if you will be kind enough to divest yourselves of any thing which public papers, public rumours, or public prejudices, may have inspired against me; to examine not merely the man, for I am, myself, a willing and a devoted victim to my country.—I know if I am left to the mercy of the court, how that mercy will display itself; but if it can profit the cause that I should be a victim, I am willing it should be so: I have faced death before now: I am not afraid of it now, you may see that I am not agitated: I am as cool as yourselves; I have studied this affair well: I undertook it, not sanctioned by a Pitt, a Richmond, or a Dundas: I adopted it upon reason and justice, and I will quit it only with life. Gentlemen, you represent your country; your situation is awful; you are now to guard its liberties; you are now to encourage the plant of reform; a mild and peaceful reform, according to the temper of men's minds, now may be easily effected; but beware of persecution carried on with too much rigour. We know, and history shews us, that at a certain pitch of oppression the people will bear it no longer, and an un-

informed multitude is what every well-studied government, every well-conducted government, should fear to incense."

The LORD JUSTICE CLERK, in summing up, said, My Lords, after the full discussion which this crime has undergone, within these three months, I shall only just observe, that the crime of which this pannel is accused, and now stands convicted by the verdict of a most respectable jury of this country, is sedition; endeavouring to overturn the established government of this country, which is of all crimes known amongst mankind, of the most heinous nature and the most dangerous tendency to society, and well merits the highest arbitrary punishment that this court can possibly inflict. You have had two trials before you, one within these few months, in which the pannel was condemned to transportation for fourteen years, and the other you condemned within these few days for the same term. The moment I heard the verdict I revolved in my own mind the circumstances attending this case; but it is impossible that we can, agreeable to the justice of the country, inflict a less punishment; the only doubt that occurred to me was, whether we ought not to go further; for I did see a material difference; this case being attended with circumstances highly aggravated and offensive to the laws of this country. If this country suffers any grievances, I am sure he felt none of them: he lives not in Scotland, has no property there, and, as a stranger, he comes into this country a man with a great deal of abilities and great eloquence, he comes here for the express purpose of disseminating sedition among the lower order of people, in this country, I cannot consider it is any thing but sedition highly aggravated. I did

think that this crime deserved a more severe punishment; but I have always more pleasure in inflicting a mild punishment than a more severe one: and as your Lordships are all of opinion, that we should inflict the same punishment as in the case of Skirving and Muir, I concur in the same opinion, that he shall be transported for the term of fourteen years, with the usual certification.

SENTENCE.

The Lord Justice Clerk and Lords Commissioners of Justiciary, having considered the foregoing verdict, whereby the assize, all in one voice, find the pannel Guilty of the crimes libelled: The said Lords, in respect of the said verdict, in terms of an act passed in the 25th year of his present Majesty, entitled, "An act for the more effectual transportation of felons, and other offenders, in that part of Great Britain, called Scotland," ordain and adjudge, that the said Maurice Margarot be transported beyond seas, to such place as his Majesty, with the advice of his privy council, shall declare and appoint, and that for the space of fourteen years from this date; with certification to him, if, after being so transported, he shall return to, and be found at large within any part of Great Britain, during the said fourteen years, without some lawful cause, and be thereof lawfully convicted, he shall suffer death as in cases of felony, without benefit of clergy, by the law of England: And ordains the said Maurice Margarot to be carried back to the Tolbooth of Edinburgh, therein to be detained till he is delivered over, for being so transported; for which this shall be, to all concerned, a sufficient warrant.

(Signed) ROBERT M'QUEEN.

Mr. MARGAROT.—My Lords, I thank you!

Mr. Margarot, in pursuance of this cruel sentence, was forthwith put on board the Hulks, and transported like a common felon to the inhospitable shores of New South Wales. Unlike some of the other victims of persecution at the time, he lived out the term of his banishment, and we have ascertained that he returned to this country in the latter end of the year 1815, bringing his wife and a favourite cat he took out along with him. He landed in Ireland, and came to Scotland, that he might see, as if for the last time, some of his old political friends here. At Paisley, he visited the late Mr. Hastie of that town, who was a Delegate of the British Convention, and remained with him two nights. At that time he was in very bad health, and seemed exceedingly anxious to return to England. He left Paisley in December, 1815, for London, where he died the following year—a man, as the Lord Justice Clerk characterised him, "with a great deal of abilities and great eloquence;" and as impartial posterity will decide, a man of tried virtue and patriotism.

TRIAL OF THE REV. THOMAS FYSHE PALMER.

THOMAS FYSHE PALMER, described "Clergyman, some time residing in Dundee," was tried before the Circuit Court of Justiciary, held at Perth, on 12th and 18th September, 1793, for seditious practices. The alleged offence consisted in writing and circulating an Address containing the following clauses:—

"Is not the executive branch daily seizing new, unprecedented, and unwarrantable powers? Has not the House of Commons (your only security from the evils of tyranny and aristocracy) joined the coalition against you? Is the election of its members either fair, free, or frequent? Is not its independence gone, while it is made up of pensions and placements?"

"We have done our duty, and are determined to keep our posts, ever ready to assert our just rights and privileges as men, the chief of which we account the right of universal suffrage, in the choice of those who serve in the Commons' House of Parliament, and a frequent renewal of such power."

This, "the head and front of his offending," was no more than a sincere desire for a Constitutional Reform of the House of Commons, so as to insure a fair, free, and frequent election of the Members, and Universal Suffrage; two propositions, one of which has been so far conceded in Parliament; the other is at this moment strenuously advocated by the most enlightened statesmen of the day. To dwell upon the cruelty exercised on this poor man, an unassuming Clergyman, were unnecessary. The tyranny and oppression experienced by Muir, Gerrald, and the other victims, at the hands of the myrmidons of the "Right Trusty Robert Dundas, Esq. of Arniston, our Advocate for our interest," were not relaxed to Mr. Palmer, who seems, from a want of business habits, to have been less able, though in every respect, as zealous to meet the devices of his enemies. Mr. Palmer did not plead for himself, though the draught of his speech, which he intended to have delivered after the proof, and may still be found by the curious appended to one edition of his Trial, proves that there was

no lack of talent, whether as regarded his knowledge of the principles of the British Constitution, or his powers as a logician and a scholar. He was fortunate in retaining two of the most respectable Advocates at the bar; whose eloquence did honour to the cause, viz. Mr. Haggart, whose invincible spirit stood up so nobly against a certain Lord President, as to leave an injunction with his executors *etiam in articulo mortis*, that they should follow forth an action of damages he had raised against his Lordship, for persevering and unjustifiable spite and malice, exhibited personally to him from the Bench. The other was the celebrated Mr. John Clerk, afterwards Lord Eldin; who lived long to cherish his favourite notions of Reform.

The parade of the trial was proceeded in. Witnesses were examined for the Crown, who proved that the accused had circulated the inoffensive hand-bill above quoted, and that he was a member of a friendly society, instituted for the purpose of accelerating, by all legal means, an improvement in the Representation of the People. Only two witnesses were adduced for the pannel. The disquisitions on the British Constitution maintained on both sides, were so similar to those to be found in the trials of his compatriots, Gerrald, Muir, and Skirving, as to make it unpardonable to repeat at any length the speeches delivered.

After a very lengthened trial, occupying the greater part of two days, sentence was pronounced, as was indeed certain before it began, finding him guilty, and adjudging him to transportation beyond the seas "for and during the space of seven years." Another victim immolated at the sacred shrine of liberty! Perhaps the finest exhibition at the trial was made by the prisoner, immediately before sentence was pronounced, in an appeal by him to the Court, full of Christian charity.

Mr. PALMER.—My Lords, I can appeal, with conscious sincerity, to the great Searcher of hearts for the good intentions and uprightness of my conduct. My life has for many years been employed in the dissemination of what I

SHE PALMER.

t, whether as regarded his principles of the British or his powers as a logician

He was fortunate in retaining the most respectable Admiralty; whose eloquence did cause, viz. Mr. Haggart, the spirit stood up so nobly in Lord President, as to cation with his executors *in mortis*, that they should action of damages he had is Lordship, for persever- tifiable spite and malice, usually to him from the other was the celebrated s, afterwards Lord Eldin; to cherish his favourite form.

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a.—My Lords, I can ap- nicious sincerity, to the of hearts for the good in- ightness of my conduct. or many years been em- dissemination of what I

conceived to be religious and moral truths, truths which I supposed to be of the greatest importance to mankind. My friends know with what ardour I have done this, at the total sacrifice of all my worldly interests; but, during the late great political discussions that have taken place, it was entirely, naturally impos- sible, in a man of my sanguine disposition, to remain an unconcerned bystander. I felt as all around me felt; I caught the general influence; I thought, too, that I perceived that politics were a great branch of morals, if they did not comprise the whole of our duty to our neighbour; for, my Lords, would but our superiors, would but all the world do to one another what they, in like circumstances, would wish to be done to themselves, our petitions would have been answered, and every grievance redressed. I trust, that my politics is the cause of common justice, the cause of benevolence and of human happiness. It was under the influence, I protest, of these considerations, that I was led to enter myself into the Society of the Friends of the People. I thought, my Lords, that a Parliamentary Reform would enhance the happiness of millions, and establish the security of the empire. For these reasons it is, and with these views only, as God is my Judge, that I

joined the society of *low weavers and me- chanics*, as you call them, at the Berean Meeting-house at Dundee; and for these reasons too, to gain these ends, that I assented to the publication of this Hand- bill; for, the declaration, and the test of the society, and all their endeavours, as far as I have been able to learn, were solely confined to that one object of Par- liamentary Reform, and a more equal representation of the people.

It is not, my Lords, the first time that I have suffered in endeavouring to bene- fit others; for this I have borne shame, odium, reproach, and a great diminution of fortune. I hope and trust, that it is my utmost ambition, and all who know me will agree with me, that it has been the tenor of my life to endeavour to add, if possible, to the sum of human happiness. And, my Lords, if I should be called again to the like, or more severe trials; if I should be called again to suffer, in what I cannot but think the cause of men in general, the cause of human happiness; I trust, that I shall be able to bear my sufferings, not only with fortitude, but cheerfulness—with the hope, my Lords, that my sufferings will not be wholly lost: but will, by the blessing of that great Being whom I serve, be rendered efficacious to the good of my fellow-creatures.

Mr. Palmer was a native of England; and appears to have been educated for the Church. The precise time of his coming to Scot- land cannot now at this distant period be ascertained. For several years, however, it appears that he resided in Dundee, and was Minis- ter of the Unitarian Congregation there. An ardent friend of liberty, he could not look on with indifference to the exciting events which sprung out of the French Revolution. The Hand-bill, or as it has been dignified in the trial, the Pamphlet, which he wrote about the year 1793, and for which he was tried and exiled, was a mild argu- mentative appeal to the public, but sufficient, it appears, to rouse the indignation of the then Government. At that time more violent ar- ticles were daily appearing in the public prints, but passed over in silence. There seems to have been a peculiar smallness in the mind of the Lord Advocate in marking him out for prosecution. It is worthy of recording, that a Mr. Ellis, one of his congregation, imme- diately after sentence was pronounced, formed the resolution of ac- companying him to the place of his destination; and that gentleman accordingly (to his immortal honour) went on board the convict ship, and *actually accompanied him out to New South Wales*. "For scarcely for a righteous man will one die, yet peradventure for a good man some would even dare to die." Both of these good men, so de- voted to each other, and to the cause for which the one was a volun- tary sacrifice, and the other suffering by the compulsion of a cruel sentence, lived out the term of banishment, which was seven years, and were both again on their way home; but whether it was from

their being taken prisoners, or from stress of weather, they were put into a Spanish port in the East, one of the Philippine isles, most likely Manilla. They were there subjected to very considerable privations, annoyances, and delay. And after they had procured their liberty to go into a neutral vessel to gain some British port in the East Indies, by some unfortunate and unforeseen accident, they were separated—Mr. Ellis, with the wreck of Mr. Palmer's property, being aboard the vessel which was to sail, and Mr. Palmer being left ashore friendless and destitute! From the irksomeness of his situation, and being at the time in very bad health, he fell into a violent fever, and died in that place shortly after the vessel had sailed.

We have thus succeeded in concluding these important Trials. Our object from the beginning was not merely to offer bare reports, but to render them more interesting by gathering together from every accessible quarter collateral documents and information tending to illustrate the characters and vindicate to posterity the real motives of the sufferers. At the time the Trials were going on, such were the prejudices against them, that it was but too easy to make ignorance believe that their motives were wicked, and their designs dangerous to the public safety. The purity of their motives, it is presumed, will no longer be disputed but by bigots; and their designs, in place of being dangerous, appear now to have been the salvation of the country from anarchy and despotism.

*• The LIFE of THOMAS MUIR, Esq. whose TRIAL forms the third of the series, has been delayed for a short time, to enable the Editor to recover certain Documents, so as to make it a complete Biography. These documents have now all been procured, and will give it increased interest, so that no further delay will take place, and the publication will be announced in a few days. It will be printed and paged so as to come in immediately before the Trial.

THE END.

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